

State Government  
Schwengels, Chairperson  
Briles  
Gallagher

FILED FEB 23 1981

SENATE FILE 297

BY RODGERS

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

### A BILL FOR

1 An Act relating to the private sale, control, distribution,  
2 and taxation of wine containing more than five percent  
3 but not more than seventeen percent alcohol by weight,  
4 providing an excise tax on wine, declaring certain acts  
5 relating to wine to be unlawful and prescribing penalties.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

1 Section 1. Chapter 123, Code 1981, is amended by adding  
2 sections 2 through 20 of this Act as a new division.

3 Sec. 2. NEW SECTION. WINE PERMIT OR LICENSE REQUIRED.  
4 A person shall not cause the manufacture, importation, or  
5 sale of wine in this state unless a certificate or permit  
6 as provided in this division, or a liquor control license  
7 as provided in division I of this chapter, is first obtained  
8 which authorizes that manufacture, importation, or sale.

9 Sec. 3. NEW SECTION. WINE PERMITS--CLASSES. Permits  
10 exclusively for the sale or manufacture and sale of wine shall  
11 be divided into three classes, and shall be known as class  
12 "A", "B", or "C" wine permits.

13 A class "A" wine permit allows the holder to manufacture  
14 and sell, or sell at wholesale, in this state, wine as defined  
15 in section 123.3, subsection 7. The holder of a class "A"  
16 wine permit may manufacture in this state wine having an  
17 alcoholic content greater than seventeen percent by weight  
18 for shipment outside this state only. A class "B" wine permit  
19 allows the holder to sell wine at retail for consumption off  
20 the premises. The holder of a class "B" wine permit is a  
21 wine store as defined in section 25 of this Act. A class  
22 "C" wine permit allows the holder to sell wine at retail for  
23 consumption off the premises and shall be issued only to a  
24 grocery store.

25 Sec. 4. NEW SECTION. ISSUANCE OF WINE PERMITS. The  
26 director shall issue class "A", "B" and "C" wine permits as  
27 provided in this chapter, and may suspend or revoke a wine  
28 permit for cause as provided in this chapter.

29 Sec. 5. NEW SECTION. PROHIBITED INTEREST. It is unlawful  
30 for a person to be a holder of, or either directly or  
31 indirectly interested in, more than one class of wine permit,  
32 except that this prohibition does not apply to a wholesale  
33 supplier who is an owner of one or more retail grocery stores.

34 Sec. 6. NEW SECTION. CLASS "A" APPLICATION. Except as  
35 otherwise provided in this chapter, a class "A" wine permit

1 shall be issued to a person who complies with all of the  
2 following:

3 1. Submits a written application for the permit and states  
4 on the application under oath:

5 a. The name and place of residence of the applicant and  
6 the length of time the applicant has lived at the place of  
7 residence.

8 b. That the applicant is a citizen of the state of Iowa.

9 c. The place of birth of the applicant, and if the  
10 applicant is a naturalized citizen, the time and place of  
11 naturalization.

12 d. The location of the premises where the applicant intends  
13 to use the permit.

14 e. The name of the owner of the premises, and if that  
15 owner is not the applicant, that the applicant is the actual  
16 lessee of the premises.

17 2. Establishes all of the following facts:

18 a. That the applicant meets the test of good moral  
19 character as provided in section 123.3, subsection 11.

20 b. That the premises where the applicant intends to use  
21 the permit conform to all applicable laws, health regulations,  
22 and fire regulations, and constitute a safe and proper place  
23 or building.

24 3. Submits a bond in the amount of five thousand dollars  
25 in the form prescribed and furnished by the department with  
26 good and sufficient sureties to be approved by the department  
27 conditioned upon compliance with this chapter.

28 Sec. 7. NEW SECTION. CLASS "B" APPLICATION. Except as  
29 otherwise provided in this chapter, a class "B" wine permit  
30 shall be issued to any person who complies with all of the  
31 following:

32 1. Submits a written application for the permit and states  
33 on the application under oath:

34 a. The name and place of residence of the applicant, and  
35 the length of time the applicant has lived at the place of

1 residence.

2 b. That the applicant is a citizen of the state of Iowa.

3 c. The place of birth of the applicant, and if the  
4 applicant is a naturalized citizen, the time and place of  
5 naturalization.

6 d. The location of the premises where the applicant intends  
7 to use the permit.

8 e. The name of the owner of the premises, and if that  
9 owner is not the applicant, that the applicant is the actual  
10 lessee of the premises.

11 2. Establishes all of the following facts:

12 a. That the applicant is a person of good moral character  
13 as provided in section 123.3, subsection 11.

14 b. That the premises where the applicant intends to use  
15 the permit conform to all applicable laws, health regulations,  
16 and fire regulations, and constitute a safe and proper place  
17 or building.

18 3. Submits a bond in the amount of one thousand dollars  
19 in the form prescribed and furnished by the department with  
20 good and sufficient sureties to be approved by the department  
21 conditioned upon compliance with this chapter. The bond shall  
22 be further conditioned as a part of the permit granted to  
23 the effect that the permittee and each surety shall consent  
24 to forfeiture of the principal sum of the bond in event of  
25 suspension or revocation of the permit pursuant to this  
26 chapter.

27 4. Declares that the principal business of the  
28 establishment for which the applicant is making application  
29 for the class "B" wine permit consists of the sale of wine  
30 for consumption off the premises.

31 Sec. 8. NEW SECTION. CLASS "C" APPLICATION. Except as  
32 otherwise provided in this chapter, a class "C" wine permit  
33 shall be issued to any person who:

34 1. Submits a written application for the permit and states  
35 on the application under oath:

1 a. The name and place of residence of the applicant, and  
2 the length of time the applicant has lived at the place of  
3 residence.

4 b. That the applicant is a citizen of the state of Iowa.

5 c. The place of birth of the applicant, and if the  
6 applicant is a naturalized citizen, the time and place of  
7 naturalization.

8 d. The location of the premises where the applicant intends  
9 to use the permit.

10 e. The name of the owner of the premises, and if that  
11 owner is not the applicant, that the applicant is the actual  
12 lessee of the premises.

13 2. Establishes that the applicant is a person of good  
14 moral character as provided in section 123.3, subsection 11.

15 3. Submits a bond in the amount of five hundred dollars  
16 to the department in the form prescribed and furnished by  
17 the department with good and sufficient sureties to be approved  
18 by the department conditioned upon compliance with this  
19 chapter.

20 4. Declares that the retail establishment for which  
21 application is made is a grocery store whose principal business  
22 consists of the sale of food or food products for consumption  
23 off the premises.

24 Sec. 9. NEW SECTION. AUTHORITY UNDER CLASS "A" PERMIT.

25 1. A person holding a class "A" wine permit may manufacture  
26 and sell, or sell at wholesale, wine for consumption off the  
27 premises. Sales within the state may be made only to persons  
28 holding a class "A", "B" or "C" wine permit, to the department,  
29 and to persons holding a class "A", "B", "C" or "D" liquor  
30 control license. A class "A" wine permittee having more than  
31 one place of business shall obtain a separate permit for each  
32 place of business where wine is to be stored, warehoused,  
33 or sold.

34 2. A class "A" wine permit holder may purchase and resell  
35 only those brands of wine which are manufactured, fermented,

1 bottled, shipped, or imported by a person holding a certificate  
2 of compliance issued pursuant to section 14 of this Act.

3 Sec. 10. NEW SECTION. AUTHORITY UNDER CLASS "B" PERMIT.

4 1. A person holding a class "B" wine permit may sell wine  
5 at retail for consumption off the premises. Wine shall be  
6 sold in original containers only.

7 2. A class "B" wine permittee having more than one place  
8 of business where wine is sold shall obtain a separate permit  
9 for each place of business.

10 Sec. 11. NEW SECTION. AUTHORITY UNDER CLASS "C" PERMIT.

11 1. A person holding a class "C" wine permit may sell wine  
12 for consumption off the premises only. Wine shall be sold  
13 in original containers only.

14 2. A class "C" wine permittee having more than one place  
15 of business where wine is sold shall obtain a separate permit  
16 for each place of business.

17 Sec. 12. NEW SECTION. NATIVE WINES. Subject to rules  
18 of the department, a person who manufactures native wines  
19 from grapes, cherries, other fruits, other fruit juices,  
20 vegetables, vegetable juices, dandelions, clover, honey, or  
21 any combination of these ingredients and who holds a class  
22 "A" wine permit may sell, keep, or offer for sale and deliver  
23 those wines. Sales may be made at retail for off the premises  
24 consumption when sold on the premises of the manufacturer.  
25 Sales may also be made to class "A", "B", and "C" wine permit  
26 holders as authorized by the class "A" wine permit.

27 A manufacturer of native wines shall not sell those wines  
28 otherwise than as permitted in this chapter or allow any wine  
29 sold to be consumed upon the premises of the manufacturer.  
30 Any person may manufacture native wine for consumption on  
31 the person's own premises when none of the wine is manufactured  
32 for sale.

33 Sec. 13. NEW SECTION. PERMIT FEES.

34 1. The annual permit fee for a class "A" wine permit is  
35 seven hundred fifty dollars.

1        2. The annual permit fee for a class "B" wine permit is  
2 five hundred dollars.

3        3. The annual permit fee for a class "C" wine permit is  
4 on a graduated scale based on the amount of interior floor  
5 space which comprises the retail sales area of the premises  
6 covered by the permit as follows:

7        a. Up to one thousand square feet, fifty dollars.

8        b. Over one thousand square feet and up to two thousand  
9 square feet, seventy-five dollars.

10       c. Over two thousand square feet and up to five thousand  
11 square feet, one hundred dollars.

12       d. Over five thousand square feet and up to ten thousand  
13 square feet, one hundred fifty dollars.

14       e. Over ten thousand square feet, two hundred dollars.

15       Sec. 14. NEW SECTION. IMPORTERS CERTIFICATE OF COMPLIANCE-  
16 -PROHIBITED ACTS--PENALTIES.

17       1. A manufacturer, bottler, or vendor of wine or an agent  
18 of a manufacturer, bottler, or vendor desiring to cause the  
19 importation of wine into this state for resale by a class  
20 "A" wine permittee shall first make application for and be  
21 issued by the director an importer's certificate of compliance.

22       An importer's certificate of compliance shall expire at  
23 the end of one year from the date of issuance and shall be  
24 renewed for a like period upon application to the director  
25 unless otherwise revoked for cause.

26       Each application for an importer's certificate of compliance  
27 or a renewal shall be accompanied by a fee of five hundred  
28 dollars payable to the department. Each applicant and holder  
29 of an importer's certificate of compliance shall furnish to  
30 the department reasonable information as the director requires.

31       A person who otherwise holds a class "A" wine permit to  
32 sell wine at wholesale in this state is exempt from the fee,  
33 but not from the terms and conditions provided in this section.

34       2. A person within this state who is an agent or employee  
35 of the holder of an importer's certificate of compliance shall

1 register the person's name and address with the department.  
2 However, registration is not required of those persons who  
3 either are employed on the premises of a bottling plant or  
4 winery where wine is manufactured, fermented or bottled in  
5 this state, or who are engaged in the transportation of that  
6 wine.

7 3. It is unlawful for a holder of an importer's certificate  
8 of compliance or an agent of a holder, or a class "A" wine  
9 permit holder or an agent of a holder, to grant to a retail  
10 wine permit holder, either directly or indirectly, rebates,  
11 free goods, special deals, allowances, discounts on wine,  
12 or directly or indirectly to extend credit for more than  
13 thirty days from delivery date.

14 4. It is unlawful for a holder of an importer's certificate  
15 of compliance or an agent of a holder to discriminate in  
16 price, allowance, rebate, refund, commission, discount, or  
17 service between class "A" wine permittees authorized to sell  
18 wine at wholesale, or directly or indirectly extend credit  
19 for more than thirty days from delivery date. The term  
20 "discriminate" means the granting of more favorable prices,  
21 allowances, rebates, refunds, commissions, discounts, or  
22 services to one wine permit holder than to another.

23 5. Notwithstanding other penalties provided by this  
24 chapter, a holder of an importer's certificate of compliance  
25 or a class "A", "B" or "C" wine permittee who violates any  
26 of the provisions of this section is subject to a civil fine  
27 not to exceed one thousand dollars or to suspension of the  
28 certificate of compliance or permit for a period not to exceed  
29 sixty days or to both the civil fine and suspension.

30 Sec. 15. NEW SECTION. WINE GALLONAGE TAX.

31 1. In addition to the annual permit fee to be paid by  
32 each class "A" wine permittee, there shall be levied and  
33 collected from each class "A" wine permittee on all wine  
34 manufactured for sale and sold in this state at wholesale  
35 and on all wine imported into this state for sale at wholesale

1 and sold in this state at wholesale, a tax of fifty cents  
2 for every wine gallon and a like rate for the fractional parts  
3 of a wine gallon. A tax shall not be levied or collected  
4 on wine shipped outside this state by a class "A" wine  
5 permittee, on wine sold by one class "A" wine permittee to  
6 another class "A" wine permittee or on wine sold to the  
7 department. All revenue derived from the wine tax shall be  
8 deposited in the liquor control fund established by section  
9 123.53 and shall be distributed as follows:

10 a. Two-thirds of the revenue derived from the wine tax  
11 shall be distributed in accordance with section 123.53,  
12 subsections 3, 4, 5 and 6. However, the total amount so  
13 distributed shall not exceed an amount equal to the funds  
14 distributed pursuant to those subsections during the fiscal  
15 year ending on June 30 preceding the effective date of this  
16 Act, as adjusted by the percentage change in the gross sales  
17 of wine in the state liquor stores in each year thereafter.

18 b. One-third of the revenue derived from the wine tax  
19 shall be distributed in accordance with section 123.53,  
20 subsection 7. However, the total amount so distributed shall  
21 not exceed an amount equal to the funds distributed pursuant  
22 to that subsection during the fiscal year ending June 30  
23 preceding the effective date of this Act, as adjusted by the  
24 percent change in the gross sales of wine of the state liquor  
25 stores in each year thereafter.

26 c. The revenue derived from the wine tax, remaining in  
27 the fund after the distributions required by paragraphs a  
28 and b of this subsection shall be transferred by the state  
29 comptroller to the general fund of the state.

30 Sec. 16. NEW SECTION. REPORT OF GALLONAGE SALES--PENAL-  
31 TY. Each class "A" wine permit holder on or before the tenth  
32 day of each calendar month commencing on the tenth day of  
33 the calendar month following the month in which the person  
34 is issued a permit, shall make a report under oath to the  
35 department upon forms to be furnished by the department showing

1 the exact number of gallons of wine and fractional parts of  
2 gallons, sold by that permit holder during the preceding  
3 calendar month. The report also shall state whatever  
4 reasonable additional information the director requires.  
5 The permit holder at the time of filing this report shall  
6 pay to the department the amount of tax due at the rate fixed  
7 in section 15 of this Act. A penalty of ten percent of the  
8 amount of the tax shall be assessed and collected if the  
9 report is not filed and the tax paid within the time required  
10 by this section.

11 Sec. 17. NEW SECTION. RECORDS REQUIRED. Each class "A"  
12 wine permittee shall keep books of account and records showing  
13 each sale of wine, which shall be at all times open to  
14 inspection by the director and agents of the department.  
15 Each class "B" and "C" wine permittee shall keep proper books  
16 of account and records showing each purchase of wine and the  
17 date and the amount of each purchase and the name of the  
18 person from whom each purchase was made, which shall be open  
19 to inspection by the director and agents of the department  
20 during normal business hours of the permittee.

21 Sec. 18. NEW SECTION. PURCHASE FROM A NONPERMIT HOLDER.  
22 It is unlawful for the holder of any class "B" or "C" wine  
23 permit to sell wine, except wine which is purchased from a  
24 person holding a class "A" wine permit and on which the tax  
25 imposed by section 15 of this Act has been paid or wine  
26 purchased from the department.

27 Sec. 19. NEW SECTION. DISTRIBUTION OF FUNDS. Permit  
28 fees and taxes collected by the department pursuant to this  
29 division shall accrue to the general fund of the state, except  
30 as otherwise provided.

31 Sec. 20. NEW SECTION. LABELS--CONCLUSIVE EVIDENCE. The  
32 label on a bottle or other container in which wine is offered  
33 for sale in this state, which label represents the alcoholic  
34 content of the wine as being in excess of seventeen per cent  
35 by weight, is conclusive evidence of the alcoholic content

1 of that wine.

2 Sec. 21. Section 123.2, Code 1981, is amended to read  
3 as follows:

4 123.2 GENERAL PROHIBITION. It shall ~~be~~ is unlawful to  
5 manufacture for sale, sell, offer or keep for sale, possess,  
6 or transport an alcoholic ~~liquor-or-beer~~ beverage except upon  
7 the terms, conditions, limitations, and restrictions enumerated  
8 in this chapter.

9 Sec. 22. Section 123.3, subsections 4, 7, 8, 10, 11,  
10 paragraph c, and 13, Code 1981, are amended to read as follows:

11 4. "Local authority" means the city council of any in-  
12 corporated city in this state, or the county board of super-  
13 visors of any county in this state, which is empowered by  
14 this chapter to approve or deny applications for retail beer  
15 or wine permits, and liquor control licenses; to recommend  
16 that such permits or licenses be granted and issued by the  
17 department; and to take such other actions as are reserved  
18 to them by this chapter.

19 7. "Wine" means any beverage containing more than five  
20 percent but not more than seventeen percent of alcohol by  
21 weight obtained by the fermentation of the natural sugar  
22 contents of fruits or other agricultural products.

23 8. "~~Alcoholic liquor~~" ~~or~~ "~~alcoholic beverage~~" ~~or~~  
24 "~~intoxicating liquor~~" means and ~~includes~~ the varieties of  
25 liquor defined in subsections 5, 6, and 7, beverages made  
26 as described in subsection 9 ~~which contain more than five~~  
27 ~~percent of alcohol by weight~~, and every other liquid or solid,  
28 patented or not, containing spirits or wine, and susceptible  
29 of being consumed by a human being, for beverage purposes.  
30 "Alcoholic liquor" or "intoxicating liquor" means every  
31 alcoholic beverage, except beverages made as described in  
32 subsection 9 which contain five percent or less alcohol by  
33 weight, and except wine containing seventeen percent or less  
34 of alcohol by weight. Alcohol manufactured in this state  
35 for use as fuel pursuant to an experimental distilled spirits

1 plant permit or its equivalent issued by the federal bureau  
2 of alcohol, tobacco and firearms is not an "alcoholic liquor".

3 10. "Person" means any individual, association,  
4 partnership, corporation, club, hotel or motel, or municipal  
5 corporation owning or operating a bona fide airport, marina,  
6 park, coliseum, auditorium, or recreational facility in or  
7 at which the sale of alcoholic ~~liquor or beer~~ beverages is  
8 only an incidental part of ~~such~~ the ownership or operation.

9 c. He or she is not prohibited by the provisions of section  
10 123.40 from obtaining a ~~liquor control~~ license or ~~beer~~ permit.

11 13. "Permit" or "license" means an express written  
12 authorization issued by the department for the manufacture  
13 or sale, or both, of alcoholic liquor, wine or beer.

14 Sec. 23. Section 123.3, subsection 16, Code 1981, is  
15 amended by striking the subsection and inserting in lieu  
16 thereof the following:

17 16. "Container" means every vessel or receptacle used  
18 for holding alcoholic liquor, wine or beer.

19 Sec. 24. Section 123.3, subsections 17, 19, 20, 25, 26,  
20 27, and 31, Code 1981, are amended to read as follows:

21 17. "Distillery", "winery", and "brewery" means not only  
22 the premises ~~wherein~~ where alcohol or spirits is distilled,  
23 or rectified wine is fermented, or beer is brewed, but in  
24 addition a person owning, representing, or in charge of such  
25 premises and the operations conducted ~~therein~~ there, including  
26 the blending and bottling or other handling and preparation  
27 of alcoholic liquor, wine, or beer in any form.

28 19. "Importer" means ~~the~~ a person transporting or ordering,  
29 authorizing, or arranging the transportation of alcoholic  
30 ~~liquor or beer~~ beverages into this state whether ~~such~~ or not  
31 the person is a resident of this state ~~or not~~.

32 20. "Import" means the transporting or ordering or  
33 arranging the transportation of alcoholic ~~liquor or beer~~  
34 beverages into this state ~~whether by a resident of this state~~  
35 ~~or not~~.

1 25. The prohibited "sale" of an alcoholic ~~liquor-or-beer~~  
2 beverage under this chapter means and includes soliciting  
3 for sales, taking orders for sales, or keeping or exposing  
4 for sale, delivery or other trafficking for a valuable  
5 consideration promised or obtained, and procuring or allowing  
6 procurement for any other person.

7 26. "Wholesaler" means any person, other than a ~~brewer~~  
8 manufacturer or bottler of beer or wine, who shall sell,  
9 barter, exchange, offer for sale, or have in possession with  
10 intent to sell, deal or traffic in alcoholic ~~liquor-or-beer~~  
11 beverages. ~~No-wholesaler-shall-be-permitted-to-sell-for~~  
12 ~~consumption-upon-the-premises-~~

13 27. "Retailer" means any ~~person~~ licensee or permittee  
14 who shall sell, barter, exchange, offer for sale, or have  
15 in possession with intent to sell any alcoholic liquor or  
16 wine for consumption on the premises where sold, ~~or beer for~~  
17 consumption either on or off the premises where sold, or wine  
18 for consumption off the premises where sold.

19 31. "Licensed premises" or "premises" means all rooms,  
20 enclosures, contiguous areas, or places susceptible of precise  
21 description satisfactory to the director where alcoholic  
22 beverages ~~or-beer-is~~ are sold or consumed under authority  
23 of a ~~liquor-control~~ license or ~~beer~~ permit. A single licensed  
24 premises may consist of multiple rooms, enclosures, areas  
25 or places if they are wholly within the confines of a single  
26 building or contiguous grounds.

27 Sec. 25. Section 123.3, Code 1981, is amended by adding  
28 the following new subsections:

29 NEW SUBSECTION. "Retail wine permit" means a class "B"  
30 or "C" wine permit issued under this Act.

31 NEW SUBSECTION. "Wine store" means and includes any retail  
32 establishment, the principal business of which is the sale  
33 of wine, under the authority of a class "B" wine permit.

34 Sec. 26. Section 123.4, Code 1981, is amended to read  
35 as follows:

1 123.4 DEPARTMENT CREATED--PLACE OF BUSINESS. ~~There-is~~  
2 ~~hereby-created-an~~ An Iowa beer and liquor control department  
3 is created to administer and enforce the laws of this state  
4 concerning ~~beer-and~~ alcoholic ~~liquor~~ beverages. The principal  
5 place of business of the department shall be provided the  
6 department by the authority designated by law to provide such  
7 quarters or offices to state departments or agencies.

8 Sec. 27. Section 123.14, subsections 1 and 3, Code 1981,  
9 are amended to read as follows:

10 1. The division of beer and liquor law enforcement of  
11 the department of public safety, created pursuant to section  
12 80.25, ~~shall-be~~ is the primary ~~beer-and-liquor-law-enforcement~~  
13 authority ~~for~~ of this state for the enforcement of laws  
14 relating to alcoholic beverages.

15 3. The division of beer and liquor law enforcement shall  
16 be allowed full access to all records, reports, audits, tax  
17 reports and all other documents and papers in the department  
18 pertaining to ~~liquor~~ licensees and ~~beer~~ permittees and their  
19 business businesses.

20 Sec. 28. Section 123.15, Code 1981, is amended to read  
21 as follows:

22 123.15 HEARING BOARD ESTABLISHED. ~~There-is-hereby-created~~  
23 a A three-member hearing board is created for the purpose  
24 of conducting departmental hearings relating to controversies  
25 concerning the issuance, suspension, or revocation of ~~special~~  
26 ~~liquor-permits,-liquor-control~~ licenses, and ~~beer~~ permits  
27 authorized under this chapter. One member shall be appointed  
28 by the council from its membership, which member may be  
29 periodically replaced by appointment of another council member;  
30 one member shall be the attorney general or ~~his~~ the attorney  
31 general's designee; and one member shall be the commissioner  
32 of public safety or ~~his~~ the commissioner's designee. The  
33 hearing board shall establish and adopt rules and procedures  
34 for conducting departmental hearings under this chapter.

35 Sec. 29. Section 123.16, subsection 2, paragraphs b and

1 c, Code 1981, are amended to read as follows:

2 b. The granting or refusing of ~~liquor~~ licenses and permits,  
3 ~~and-beer-permits~~, and the suspension or revocation of such  
4 licenses and permits.

5 c. The establishment of ~~retail~~ prices of alcoholic liquor  
6 and wine sold at state liquor stores.

7 Sec. 30. Section 123.18, Code 1981, is amended to read  
8 as follows:

9 123.18 FAVORS FROM LICENSEE OR PERMITTEE. No A person  
10 responsible for the administration or enforcement of this  
11 chapter shall not accept or solicit donations, gratuities,  
12 political advertising, gifts, or other favors, directly or  
13 indirectly, from any ~~liquor-entree~~ licensee or ~~beer~~ permittee.  
14 A violation of this section shall subject the violator to  
15 the general penalties provided by this chapter.

16 Sec. 31. Section 123.19, Code 1981, is amended to read  
17 as follows:

18 123.19 DISTILLER'S CERTIFICATE OF COMPLIANCE.

19 1. Any manufacturer, distiller, ~~vintner~~, or importer of  
20 alcoholic ~~beverages~~ liquor shipping, selling, or having  
21 alcoholic ~~beverages~~ liquor brought into this state for resale  
22 by the state shall, as a condition precedent to the privilege  
23 of so trafficking in alcoholic liquors in this state, annually  
24 make application for and shall hold a distiller's certificate  
25 of compliance which shall be issued by the director for such  
26 purpose. No brand of alcoholic liquor shall be sold by the  
27 department in this state unless the manufacturer, distiller,  
28 ~~vintner~~, importer, and all other persons participating in  
29 the distribution of ~~such~~ that brand in this state have obtained  
30 ~~such~~ a certificate. ~~Such~~ The certificate of compliance shall  
31 expire at the end of one year from the date of issuance and  
32 shall be renewed for a like period upon application to the  
33 director unless otherwise suspended or revoked for cause.  
34 Each application for a distiller's certificate of compliance  
35 or renewal ~~thereof~~ shall be made in ~~such~~ a manner and upon

1 ~~such~~ forms ~~as-shall-be~~ prescribed by the director and shall  
2 be accompanied by a fee of fifty dollars payable to the  
3 department. However, ~~the-provisions-of~~ this subsection need  
4 not apply to a manufacturer, distiller, ~~wintner,~~ or importer  
5 who ships or sells in this state no more than eleven gallons  
6 or its case equivalent during any fiscal year as a result  
7 of "special orders" which might be placed, as defined and  
8 allowed by departmental rules adopted under this chapter.

9 2. At the time of applying for a distiller's certificate  
10 of compliance, each applicant shall file with the department  
11 the name and address of its authorized agent for service of  
12 process which shall remain effective until changed for another  
13 and a list of names and addresses of all representatives,  
14 employees, or attorneys whom ~~they~~ the applicant may have  
15 appointed in the state of Iowa to represent ~~them~~ the applicant  
16 for any purpose. The listing of ~~such~~ representatives,  
17 employees, or attorneys shall be amended from time to time  
18 by the certificate holder as necessary to keep ~~such~~ the listing  
19 current with the department.

20 3. The director and the attorney general ~~are-authorized~~  
21 ~~to~~ may require any distiller's certificate holder or person  
22 listed as ~~his~~ the distiller's representative, employee, or  
23 attorney to disclose ~~such~~ financial and other records and  
24 transactions ~~as-may-be~~ considered relevant in discovering  
25 violations of this chapter or of rules and regulations of  
26 the department or of any other provision of law by any person.

27 4. Any violation of the requirements of this section,  
28 except subsection 3, shall subject the violator to the general  
29 penalties provided in this chapter and in addition ~~thereto~~  
30 ~~shall-be~~ is grounds for suspension or revocation of the  
31 distiller's certificate of compliance, after notice and hearing  
32 before the department hearing board. Willful failure to  
33 comply with requirements ~~which-may-be~~ imposed under subsection  
34 3 ~~shall-be~~ is grounds for suspension or revocation of the  
35 distiller's certificate of compliance only. Decisions of

1 the hearing board concerning ~~such~~ suspension or revocation  
2 ~~shall-be~~ are binding upon all parties.

3 5. This section ~~shall~~ does not require the listing of  
4 those persons who are employed on premises where alcoholic  
5 ~~beverages~~ liquors are manufactured, processed, bottled or  
6 packaged in Iowa or to persons who are ~~thereafter~~ engaged  
7 in the transporting of such alcoholic ~~beverages~~ liquors to  
8 the department.

9 6. The attorney general may also proceed pursuant to the  
10 ~~provisions-of~~ section 714.16 in order to gain compliance with  
11 subsection 3 of this section and may obtain an injunction  
12 prohibiting any further violations of this chapter or other  
13 provisions of law. Any violation of that injunction shall  
14 be punished as contempt of court pursuant to chapter 665  
15 except that the maximum fine that may be imposed shall not  
16 exceed fifty thousand dollars.

17 7. A manufacturer, bottler, vendor, or importer, whether  
18 or not holding a certificate issued pursuant to this section,  
19 shall not cause the importing of wine into this state for  
20 sale directly to a licensee or permittee as permitted by this  
21 Act, unless the person has been issued a certificate of  
22 compliance pursuant to section 14 of this Act.

23 Sec. 32. Section 123.20, subsections 1, 6, 7, and 8, Code  
24 1981, are amended to read as follows:

25 1. To purchase alcoholic liquors and wines for resale  
26 by the department in the manner set forth in this chapter.

27 6. To grant and issue ~~beer~~ permits, ~~special-permits,~~  
28 ~~liquor-control-licenses,~~ and ~~other~~ licenses, and to suspend  
29 or revoke ~~all-such~~ permits and licenses for cause under this  
30 chapter.

31 7. To license, inspect, and control the manufacture of  
32 ~~beer-and~~ alcoholic ~~liquors~~ beverages and regulate the entire  
33 ~~beer-and-liquor~~ alcoholic beverage industry in the state.

34 8. To accept intoxicating liquors and wines ordered  
35 delivered to the ~~Iowa-beer-and-liquor-control~~ department

1 pursuant to section 127.8, subsection 1, and offer such  
2 intoxicating liquors and wines for sale through the state  
3 liquor stores, ~~unless the director determines that such~~  
4 ~~intoxicating liquors may be adulterated or contaminated.~~  
5 If However, if the director determines that such intoxicating  
6 liquors alcoholic beverages may be adulterated or contaminated,  
7 the director shall order their destruction.

8 Sec. 33. Section 123.21, subsections 6, 7, 8, 9, and 10,  
9 Code 1981, are amended to read as follows:

10 6. Providing for the issuing and distributing of price  
11 lists showing the price to be paid by purchasers for each  
12 brand, class, or variety of ~~liquor~~ alcoholic beverage kept  
13 for sale by the department under this chapter. Provide for  
14 the filing or posting of prices between class "A" beer permit  
15 holders and retailers ~~as provided in this chapter~~ and between  
16 class "A" wine permit holders and retailers, and establish  
17 or control ~~such~~ the prices ~~as may be~~ based on minimum standards  
18 of fill, quantity, or alcoholic content for each individual  
19 sale of ~~intoxicating liquor or beer~~ alcoholic beverages as  
20 deemed necessary for retail or consumer protection.

21 7. Prescribing the official seals, labels, or other  
22 markings which shall be attached to or stamped on packages  
23 of alcoholic ~~liquor~~ beverages except beer sold under this  
24 chapter.

25 8. Prescribing, subject to this chapter, the days and  
26 hours during which state liquor stores shall be kept open  
27 for the purpose of the sale of alcoholic ~~liquors~~ beverages  
28 except beer.

29 9. Prescribing the place and the manner in which alcoholic  
30 ~~liquor~~ beverages except beer may be lawfully kept or stored  
31 by the licensed manufacturer under this chapter.

32 10. Prescribing the time, manner, means, and method by  
33 which distillers, vintners, vendors, or others authorized  
34 under this chapter may deliver or transport alcoholic ~~liquors~~  
35 beverages except beer and prescribing the time, manner, means,

1 and methods by which alcoholic ~~liquor~~ beverages except beer  
2 may be lawfully conveyed, carried, or transported.

3 Sec. 34. Section 123.22, Code 1981, is amended to read  
4 as follows:

5 123.22 STATE MONOPOLY. The department shall have the  
6 sole and exclusive right of importation, into the state, of  
7 all forms of alcoholic liquor and wine, except as otherwise  
8 provided in this chapter, and no person shall ~~se~~ import any  
9 ~~such~~ alcoholic liquor or wine, except that an individual of  
10 legal age may import and have in his or her possession an  
11 ~~amount-of~~ alcoholic liquor and wine not exceeding a total  
12 amount of one quart or, in the case of alcoholic liquor and  
13 wine personally obtained outside the United States, one gallon  
14 for personal consumption only in a private home or other  
15 private accommodation. No distillery, winery or brewery shall  
16 sell any alcoholic ~~liquor~~ beverage within the state to any  
17 person but only to the department, except as otherwise provided  
18 in this chapter. It is the intent of this section to vest  
19 in the department exclusive control within the state both  
20 as purchaser and vendor of all alcoholic liquor and wine sold  
21 ~~by-distilleries~~ within the state or imported therein, ~~except~~  
22 ~~beer,~~-and except as otherwise provided in this chapter.

23 No person, ~~by-himself~~ either personally or through another  
24 acting for ~~him~~ the person, shall directly or indirectly, or  
25 upon any pretense, or by any device, manufacture, sell,  
26 exchange, barter, dispense, give in consideration of the  
27 purchase of any property or of any services or in evasion  
28 of this chapter, or keep for sale, or have possession of any  
29 intoxicating liquor or wine, except as provided in this  
30 chapter; or own, keep, or be in any way concerned, engaged,  
31 or employed in owning or keeping, any intoxicating liquor  
32 or wine with intent to violate any provision of this chapter,  
33 or authorize or permit the same to be done; or manufacture,  
34 own, sell, or have possession of any manufactured or compounded  
35 article, mixture or substance, not in a liquid form, and

1 containing alcohol which may be converted into a beverage  
2 by a process of pressing or straining the alcohol therefrom,  
3 or any instrument intended for use and capable of being used  
4 in the manufacture of intoxicating liquor or wine; or own  
5 or have possession of any material used exclusively in the  
6 manufacture of intoxicating liquor or wine; or use or have  
7 possession of any material with intent to use it in the  
8 manufacture of intoxicating ~~liquors~~ liquor or wine.  
9 However, alcohol may be manufactured for industrial and  
10 nonbeverage purposes by persons who have qualified for that  
11 purpose as provided by the laws of the United States and the  
12 laws of this state. Such alcohol, so manufactured, may be  
13 denatured, transported, used, possessed, sold, and bartered  
14 and dispensed, subject to the limitations, prohibitions and  
15 restrictions imposed by the laws of the United States and  
16 this state. Any person may manufacture, sell, or transport  
17 ingredients and devices other than alcohol for the making  
18 of home-made wine.

19 Sec. 35. Section 123.23, Code 1981, is amended to read  
20 as follows:

21 123.23 STATE LIQUOR STORES. The department shall establish  
22 and maintain in any city which the director may deem advisable,  
23 a state liquor store or stores for the storage and sale of  
24 alcoholic liquor and wine in accordance with ~~the provisions~~  
25 ~~of~~ this chapter. The department may, from time to time, as  
26 determined by the director, fix the prices of the different  
27 classes, varieties, or brands of alcoholic liquor and wine  
28 to be sold.

29 Sec. 36. Section 123.24, subsection 1 and subsection 2,  
30 paragraph a, Code 1981, are amended to read as follows:

31 1. In the conduct and management of state liquor stores,  
32 the director ~~is empowered to~~ may employ a person who shall  
33 be known as a "vendor" who shall, subject to the directions  
34 of the director, observe all provisions of this chapter and  
35 the rules and ~~regulations~~ policies of the department. No

1 vendor of any state liquor store shall sell ~~alcoholic-liquor~~  
2 merchandise to any person except for cash or traveler's check.

3 a. Notwithstanding the preceding paragraph, a vendor may  
4 accept from a class "A", "B", "C" or "D" liquor control  
5 licensee, a cashier's check which shows the licensee is the  
6 remitter or a check issued by the licensee, in payment of  
7 ~~alcoholic-liquor~~ merchandise purchased for resale. ~~In the~~  
8 event if a check is subsequently dishonored, the vendor shall  
9 cause a notice of nonpayment and penalty to be served upon  
10 the licensee or upon any person in charge of the licensed  
11 premises. The notice shall state that if payment or  
12 satisfaction for the dishonored check is not made within ten  
13 days of the service of notice, the licensee's liquor control  
14 license shall be suspended by the procedures of section 123.39.  
15 The notice of nonpayment and penalty shall be in a form  
16 prescribed by the director, and shall be served by a peace  
17 officer.

18 Sec. 37. Section 123.25, Code 1981, is amended to read  
19 as follows:

20 123.25 CONSUMPTION ON PREMISES. No vendor, officer,  
21 clerk, agent, or employee of the department employed in any  
22 state liquor store or state-owned warehouse shall allow any  
23 alcoholic liquor or wine to be consumed on ~~such~~ the premises,  
24 nor shall any person consume any alcoholic liquor or wine  
25 on ~~such~~ the premises.

26 Sec. 38. Section 123.26, Code 1981, is amended to read  
27 as follows:

28 123.26 RESTRICTIONS ON SALES--SEALS--LABELING. Alcoholic  
29 liquor or wine shall not be sold by the department to a  
30 purchaser except in a sealed container with identifying markers  
31 as prescribed by the director and affixed on the premises  
32 of a state warehouse or store and no such container shall  
33 be opened upon the premises of a state warehouse or store.  
34 Possession of alcoholic liquors or wines which do not carry  
35 the prescribed identifying markers is a violation of this

1 chapter except as provided in section 123.22, ~~and except as~~  
2 ~~authorized by the council pursuant to section 123.56, subsec-~~  
3 ~~tion 4.~~

4 Sec. 39. Section 123.27, Code 1981, is amended to read  
5 as follows:

6 123.27 SALES PROHIBITED.

7 ~~It~~ It is unlawful to transact the sale or delivery of  
8 alcoholic liquor or wine in, on, or from the premises of a  
9 state liquor store or warehouse:

10 a- 1. After the closing hour as established by the direc-  
11 tor.

12 b- 2. On any legal holiday.

13 c- 3. On any Sunday.

14 d- 4. During other periods or days as designated by the  
15 director.

16 ~~2. The director shall promulgate rules, subject to the~~  
17 ~~approval of the council, concerning the days and hours that~~  
18 ~~manufacturers of native wines may sell native wines to class~~  
19 ~~"A", class "B", and class "C" liquor control licensees pursuant~~  
20 ~~to section 123.56.~~

21 Sec. 40. Section 123.28, Code 1981, is amended to read  
22 as follows:

23 123.28 TRANSPORTATION PERMITTED. It ~~shall be~~ is lawful  
24 to transport, carry, or convey alcoholic liquors or wines  
25 from the place of purchase by the department to any state  
26 warehouse, store, or depot established by the department or  
27 from one such place to another and, when so permitted by this  
28 chapter, it ~~shall be~~ is lawful for any common carrier or other  
29 person to transport, carry, or convey alcoholic liquor and  
30 wine sold by a vendor from a state warehouse, store, depot  
31 or point of purchase by the state to any place to which ~~such~~  
32 the alcoholic liquor and wine may be lawfully delivered under  
33 this chapter. ~~No~~ A common carrier or other person shall not  
34 break or open or allow to be broken or opened any container  
35 or package containing an alcoholic liquor or wine or use or

1 drink or allow to be used or drunk any alcoholic liquor or  
 2 wine while it is being transported or conveyed, ~~but~~. However,  
 3 this section ~~shall~~ does not prohibit a ~~private~~ person from  
 4 transporting individual bottles or containers of alcoholic  
 5 liquor or wine exempted pursuant to section 123.22 and  
 6 individual bottles or containers bearing the identifying mark  
 7 prescribed in section 123.26 which have been opened previous  
 8 to the commencement of ~~such~~ the transportation. ~~Nothing in~~  
 9 ~~this~~ This section ~~shall~~ does not affect the right of any  
 10 ~~special~~ permit or ~~liquor-control~~ license holder to purchase,  
 11 possess, or transport alcoholic liquors subject to ~~the~~  
 12 ~~provisions of~~ this chapter.

13 Sec. 41. Section 123.29, unnumbered paragraph 1 and  
 14 subsection 4, paragraph c, Code 1981, are amended to read  
 15 as follows:

16 A special permit for the purchase, possession, or  
 17 transportation of alcoholic liquors or wines for the purposes  
 18 specified in those permits may be issued by the director upon  
 19 application being made to the department in the form and  
 20 manner prescribed by the director, accompanied by payment  
 21 of the prescribed fee, and upon the director being satisfied  
 22 that the applicant has complied with departmental rules  
 23 established for the issuance of ~~such~~ the permit. ~~Such~~ These  
 24 special permits may be issued to the following persons and  
 25 for the following purposes:

26 c. That neither the applicant, if ~~he~~ the applicant is  
 27 an individual, nor any members of the firm or officers of  
 28 the corporation, if the applicant is not an individual, has  
 29 been convicted of any violation of the laws of this state  
 30 with reference to the sale of alcoholic ~~liquors or beer~~  
 31 beverages within the three years preceding the date of the  
 32 affidavit.

33 Sec. 42. Section 123.30, subsection 3, paragraphs a, b,  
 34 c, and d, Code 1981, are amended to read as follows:

35 a. CLASS "A". A class "A" liquor control license may

1 be issued to a club and shall authorize the holder to purchase  
2 alcoholic liquors from only the department, to purchase wine  
3 from the department and from class "A" wine permittees, and  
4 to purchase beer from class "A" beer permittees, and to  
5 purchase native wines from native wine manufacturers, and  
6 to sell such ~~liquors,--and-beer,~~ to bona fide members and their  
7 guests by the individual drink for consumption on the premises  
8 only. However, beer and wine also may be sold in their  
9 containers for consumption on the premises only.

10 b. CLASS "B". A class "B" liquor control license may  
11 be issued to a hotel or motel and shall authorize the holder  
12 to purchase alcoholic liquors from only the department, to  
13 purchase wine from the department and from class "A" wine  
14 permittees, to purchase beer from class "A" beer permittees,  
15 and to purchase native wines from native wine manufacturers,  
16 and to sell such ~~liquors,--and-beer,~~ to patrons by the  
17 individual drink for consumption on the premises only,  
18 ~~however,~~ However, beer and wine also may be sold in their  
19 containers for consumption on the premises only, and beer  
20 may also be sold for consumption off the premises. Each  
21 license shall be effective throughout the premises described  
22 in the application.

23 c. CLASS "C". A class "C" liquor control license may  
24 be issued to a commercial establishment but must be issued  
25 in the name of the individuals who actually own the entire  
26 business and shall authorize the holder to purchase alcoholic  
27 liquors from only the department, and to purchase wine from  
28 the department and from class "A" wine permittees, to purchase  
29 beer from class "A" beer permittees, and to purchase native  
30 wines from native wine manufacturers, and to sell such ~~liquors,~~  
31 ~~and-beer,~~ to patrons by the individual drink for consumption  
32 on the premises only,--however, However, beer and wine also  
33 may be sold in their containers for consumption on the premises  
34 only, and beer may also be sold for consumption off the  
35 premises.

1 A special class "C" liquor control license may be issued  
2 and shall authorize the holder ~~ex-holders~~ to purchase wine  
3 ~~containing not more than seventeen percent alcohol by weight~~  
4 from the department ~~only~~ and from class "A" wine permittees,  
5 and to sell such wine, and beer, to patrons by the individual  
6 drink for consumption on the premises ~~only, however,~~ However,  
7 beer and wine may be sold in their containers for consumption  
8 on the premises only, and beer may also be sold for consumption  
9 off the premises. The license issued to holders of a special  
10 class "C" license shall clearly state on its face "alcoholic  
11 ~~liquor~~ beverages, limited to wine and beer only."

12 d. CLASS "D". A class "D" liquor control license may  
13 be issued to a railway corporation, to an air common carrier,  
14 and to passenger-carrying boats or ships for hire with a  
15 capacity of twenty-five persons or more operating in inland  
16 or boundary waters, and shall authorize the holder to sell  
17 or furnish alcoholic beverages ~~and beer~~ to passengers for  
18 consumption only on trains, watercraft as described herein,  
19 or aircraft, respectively. Each such license shall be valid  
20 throughout the state as a state license. Only one such license  
21 shall be required for all trains, watercraft, or aircraft  
22 operated in the state by the licensee.

23 Sec. 43. Section 123.32, subsections 1, 2, 3, and 4, Code  
24 1981, are amended to read as follows:

25 1. FILING OF APPLICATION. An application for a class  
26 "A", class "B", or class "C" liquor control license, and or  
27 for a retail beer permit as provided in sections 123.128 and  
28 123.129, or for a retail wine permit as provided in sections  
29 7 and 8 of this Act, accompanied by the required fee and bond,  
30 shall be filed with the appropriate city council if the  
31 premises for which the license or permit is sought are located  
32 within the corporate limits of a city, or with the board of  
33 supervisors if the premises for which the license or permit  
34 is sought are located outside the corporate limits of a city.  
35 An application for a class "D" liquor control license and,

1 for a class "A" beer permit, or for a class "A" wine permit,  
2 accompanied by the required fee and bond, shall be filed with  
3 the department, ~~which shall proceed in the same manner as~~  
4 ~~in the case of an application approved by local authorities.~~

5 2. ACTION BY LOCAL AUTHORITIES. The local authority shall  
6 either approve or disapprove the issuance of a liquor control  
7 license ~~or,~~ retail beer permit or retail wine permit, and  
8 shall endorse ~~such~~ its approval or disapproval on the  
9 application and forward ~~same~~ the application along with the  
10 required fee and bond to the department. Upon the initial  
11 ~~issuance of~~ application for a ~~liquor control~~ license or ~~retail~~  
12 ~~beer~~ permit, the fact that the local authority determines  
13 that no ~~liquor control~~ license or ~~retail beer~~ permit shall  
14 be issued shall not be held to be arbitrary, capricious, or  
15 without reasonable cause. There shall be no limit upon the  
16 number of ~~liquor control~~ licenses or ~~retail beer~~ permits which  
17 may be approved for issuance by local authorities.

18 3. ACTION BY DIRECTOR. Upon receipt of an application  
19 ~~having been~~ disapproved by the local authority, the director  
20 shall disapprove the application, so notify the applicant  
21 by registered mail, and return the fee and bond to the  
22 applicant. Upon receipt of an application ~~having been~~ approved  
23 by the local authority, or upon receipt of an application  
24 for a class "D" liquor control license, a class "A" beer  
25 permit, or a class "A" wine permit, the director shall make  
26 ~~such an~~ an investigation as ~~he~~ the director deems necessary and  
27 may require the applicant to appear before ~~him~~ the director  
28 and be examined under oath regarding any matters pertinent  
29 to the application, in which case a record shall be made of  
30 all testimony or evidence and the ~~same~~ record shall become  
31 a part of the application. If the application is approved  
32 by the director, the license or permit applied for shall be  
33 issued. If the application is disapproved by the director,  
34 the applicant and in the case of a retail license or permit  
35 the appropriate local authority shall be so notified by

1 restricted certified mail, and the fee and bond returned to  
2 the applicant.

3 4. APPEAL TO HEARING BOARD. Any applicant for a ~~liquor~~  
4 ~~control~~ license or beer permit may appeal to the department  
5 hearing board, established pursuant to section 123.15, from  
6 the director's disapproval of an application for a license  
7 or permit. If, upon ~~such~~ appeal, the hearing board shall  
8 ~~determine~~ determines that ~~the~~ a local authority acted  
9 arbitrarily, capriciously, or without reasonable cause in  
10 disapproving ~~the~~ an application, or that, where the local  
11 authority approved the application, the director's own  
12 disapproval should be reversed, it shall order issuance of  
13 a license or permit. The same right of appeal to the hearing  
14 board shall be afforded a ~~liquor-control~~ licensee or beer  
15 permittee whose license or permit has been suspended or revoked  
16 under this chapter, and the hearing board shall reduce the  
17 period of suspension or order reinstatement of ~~such~~ the license  
18 or permit for good cause shown.

19 Sec. 44. Section 123.34, Code 1981, is amended to read  
20 as follows:

21 123.34 EXPIRATION--SEASONAL LICENSE OR PERMIT. All ~~liquor~~  
22 ~~control~~ licenses and beer permits, unless sooner suspended  
23 or revoked, shall expire one year from date of issuance.  
24 The director shall cause sixty days' notice of ~~such~~ the  
25 expiration to be given to each licensee or permittee in  
26 writing. However, the director may issue six-month or eight-  
27 month seasonal licenses ~~or~~ class "B" beer permits, or class  
28 "B" wine permits for a proportionate part of the license or  
29 permit fee. ~~No~~ A refund shall not be made for seasonal  
30 licenses or permits. ~~No~~ A seasonal license or permit shall  
31 not be renewed except after a period of two months.

32 Sec. 45. Section 123.35, unnumbered paragraph 1, Code  
33 1981, is amended to read as follows:

34 The director shall prescribe simplified application forms  
35 for the renewal of ~~liquor-control~~ licenses and beer permits

1 issued under ~~the provisions of~~ this chapter, which may be  
2 filed by licensees and permittees in lieu of a detailed renewal  
3 application form when qualifications and qualification  
4 information have not changed since the original issuance of  
5 the license or permit. ~~Such~~ This simplified form shall require  
6 the licensee or permittee to verify under oath that the  
7 information contained in the original application remains  
8 current, and that no reason exists for the department's refusal  
9 to renew the license or permit as originally issued.

10 Sec. 46. Section 123.36, subsection 2, subsection 5,  
11 paragraph c, and subsection 6, Code 1981, are amended to read  
12 as follows:

13 2. Class "A" liquor control licenses, the sum of six  
14 hundred dollars, except that for class "A" licenses in cities  
15 of less than two thousand population, and for clubs of less  
16 than two hundred fifty members, the license fee shall be four  
17 hundred dollars; however, the fee shall be two hundred dollars  
18 for any club which is a post, branch, or chapter of a veterans  
19 organization chartered by the Congress of the United States,  
20 if ~~such~~ the club does not sell or permit the consumption of  
21 alcoholic beverages ~~or beer~~ on the premises more than one  
22 day in any week, and if the application for a license states  
23 that ~~such~~ the club does not and will not sell or permit the  
24 consumption of alcoholic beverages ~~or beer~~ on the premises  
25 more than one day in any week.

26 c. For air common carriers, each company shall pay a base  
27 annual fee of five hundred dollars and, in addition, shall  
28 quarterly remit to the department an amount equal to seven  
29 dollars for each gallon of alcoholic liquor and wine sold,  
30 given away, or dispensed in or over this state during the  
31 preceding calendar quarter. The class "D" license fee and  
32 tax for air common carriers shall be in lieu of any other  
33 fee or tax collected from such carriers in this state for  
34 the possession and sale of alcoholic ~~liquor and beer~~ beverages.

35 6. Any club, hotel, motel, or commercial establishment

1 holding a liquor control license for whom the sale of goods  
 2 and services other than alcoholic ~~liquor-ex-beer~~ beverages  
 3 constitutes fifty percent or more of the gross receipts from  
 4 the licensed premises, subject to ~~the-provisions-of~~ section  
 5 123.49, subsection 2, paragraph "b", may sell and dispense  
 6 alcoholic ~~liquor~~ beverages except beer to patrons on Sunday  
 7 for consumption on the premises only, and beer for consumption  
 8 on or off the premises between the hours of noon and ten p.m.  
 9 on Sunday. For the privilege of selling ~~beer-and~~ alcoholic  
 10 ~~liquor~~ beverages on the premises on Sunday the ~~liquor-control~~  
 11 license fee of the applicant shall be increased by twenty  
 12 percent of the regular fee prescribed for the license pursuant  
 13 to this section, and the privilege shall be noted on the  
 14 ~~liquor-control~~ license. The department shall prescribe the  
 15 nature and the character of the evidence ~~which-shall-be~~  
 16 required of the applicant under this subsection.

17 Sec. 47. Section 123.36, subsection 7, unnumbered para-  
 18 graph 1, Code 1981, is amended to read as follows:

19 Class "C" liquor control licenses which limit sales of  
 20 alcoholic ~~liquor~~ beverages to wine containing-not-more-than  
 21 seventeen-percent-alcohol-by-weight and beer, a sum as follows:

22 Sec. 48. Section 123.37, Code 1981, is amended to read  
 23 as follows:

24 123.37 POWER TO LICENSE AND LEVY TAXES. The power to  
 25 establish licenses and permits and levy taxes as imposed in  
 26 title VI of the Code is vested exclusively with the state.  
 27 Unless specifically provided, ~~no~~ a local authority shall not  
 28 levy a local tax on the sale of alcoholic beverages ~~or-beer~~,  
 29 nor require the obtaining of a ~~special~~ local license or permit  
 30 for such sale ~~on-any-establishment~~, ~~or~~ nor require the  
 31 obtaining of a license by any person as a condition precedent  
 32 to ~~his~~ the person's employment in the sale, serving, or  
 33 handling of alcoholic beverages ~~or-beer~~ within an establishment  
 34 operating under a license or permit.

35 Sec. 49. Section 123.38, unnumbered paragraphs 1 and 2,

1 Code 1981, are amended to read as follows:

2 A special liquor permit, liquor control license, or beer  
3 permit shall ~~be~~ or wine permit is a purely personal privilege  
4 and ~~be~~ is revocable for cause. It shall ~~shall~~ does not constitute  
5 property nor ~~be~~ is it subject to attachment and execution  
6 nor ~~be~~ alienable nor assignable, and in any case it shall  
7 cease upon the death of the permittee or licensee. However,  
8 the director may in ~~his~~ the director's discretion allow the  
9 executor or administrator of a permittee or licensee to operate  
10 the business of the decedent for a reasonable time not to  
11 exceed the expiration date of the permit or license. Every  
12 permit or license shall be issued in the name of the applicant  
13 and ~~no~~ a person holding a permit or license shall not allow  
14 any other person to use same it.

15 Any ~~such~~ licensee or permittee, or ~~his~~ an executor,  
16 administrator, or any person duly appointed by the court to  
17 take charge of and administer the property or assets of the  
18 licensee or permittee for the benefit of ~~his~~ creditors, may  
19 voluntarily surrender ~~such~~ the license or permit to the  
20 department and when so surrendered the department shall notify  
21 the local authority, and the department and ~~such~~ the local  
22 authority, or the local authority by itself in the case of  
23 a retail beer permit, shall refund to the person so  
24 surrendering the license or permit a proportionate amount  
25 of the fee paid for ~~such~~ the license or permit as follows:  
26 If surrendered during the first three months of the period  
27 for which ~~said-license-or-permit-was~~ issued, the refund shall  
28 be three-fourths of the amount of the fee; if surrendered  
29 more than three months but not more than six months after  
30 issuance, the refund shall be one-half of the amount of the  
31 fee; if surrendered more than six months but not more than  
32 nine months after issuance, the refund shall be one-fourth  
33 of the amount of the fee. ~~No~~ A refund shall not be made,  
34 however, for any special liquor permit, nor for a ~~liquor~~  
35 ~~control~~ any other license or beer permit surrendered more

1 than nine months after issuance. No A refund shall not be  
2 made to any licensee or permittee, upon the surrender of his  
3 a license or permit, if there is at the time of said surrender  
4 a complaint filed with the department or local authority,  
5 charging him the person with a violation of the provisions  
6 of this chapter. If upon hearing on any-such the complaint,  
7 the license or permit is not revoked or suspended, then the  
8 licensee or permittee shall be eligible, upon surrender of  
9 his the license or permit, to receive a refund as herein  
10 provided. But However, if his the license or permit is revoked  
11 or suspended upon such hearing he, the person shall not be  
12 eligible for the refund of any portion of his the license  
13 or permit fee.

14 Sec. 50. Section 123.39, Code 1981, is amended to read  
15 as follows:

16 123.39 SUSPENSION OR REVOCATION OF ~~LIQUOR~~ LICENSE OR BEER  
17 PERMIT. Any ~~liquor-control~~ certificate, license or beer  
18 permit issued under this chapter may, after notice in writing  
19 to the ~~license~~ licensee or permit holder and reasonable  
20 opportunity for hearing, and subject to section 123.50 where  
21 applicable, be suspended for a period not to exceed one year  
22 or revoked by the local authority having jurisdiction or the  
23 director for any of the following causes:

- 24 1. Misrepresentation of any material fact in the  
25 application for such the license or permit.
- 26 2. Violation of any of the provisions of this chapter.
- 27 3. Any change in the ownership or interest in the business  
28 operated under a class "A", class "B", or class "C" liquor  
29 control license, or any wine or beer permit which change was  
30 not previously reported to and approved by the local authority  
31 and the department.
- 32 4. An event which would have resulted in disqualification  
33 from receiving such the license or permit when originally  
34 issued.
- 35 5. Any sale, hypothecation, or transfer of such the license

1 or permit.

2 6. The failure or refusal on the part of any licensee  
3 or permittee to render any report or remit any taxes to the  
4 department under this chapter when due.

5 Local authorities ~~shall have the power to~~ may suspend any  
6 retail wine permit or retail beer permit or liquor control  
7 license for a violation of any ordinance or regulation adopted  
8 by ~~such~~ the local authority. Local authorities ~~are empowered~~  
9 ~~to~~ may adopt ordinances or regulations for the location of  
10 the premises of retail beer, retail wine and liquor control  
11 licensed establishments and ~~are empowered to~~ may adopt  
12 ordinances, not in conflict with ~~the provisions of~~ this chapter  
13 and that do not diminish the hours during which ~~beer or~~  
14 alcoholic beverages may be sold or consumed at retail,  
15 governing any other activities or matters which may affect  
16 the retail sale and consumption of ~~beer and~~ alcoholic ~~liquor~~  
17 beverages and the health, welfare and morals of the community  
18 involved.

19 When a ~~liquor~~ license or beer permit is suspended after  
20 a hearing as a result of violations of ~~the provisions of~~ this  
21 chapter by the licensee, permittee or his or her agents or  
22 employees, the premises which were licensed by ~~such~~ the li-  
23 cense or permit shall not be relicensed for a new applicant  
24 until the suspension has terminated or time of suspension  
25 has elapsed, or ninety days have elapsed since the commencement  
26 of the suspension, whichever occurs first. However, ~~nothing~~  
27 ~~in this section shall~~ does not prohibit the premises from  
28 being relicensed to a new applicant before the suspension  
29 has terminated or before the time of suspension has elapsed  
30 or before ninety days have elapsed from the commencement of  
31 the suspension, if the premises prior to the time of the  
32 suspension had been purchased under contract, and the vendor  
33 under that contract exercised the person's rights under chapter  
34 656 and sold the property to a different person who is not  
35 related to the previous licensee or permittee by marriage

1 or within the third degree of consanguinity or affinity and  
2 if the previous licensee or permittee does not have a financial  
3 interest in the business of the new applicant.

4 Sec. 51. Section 123.40, Code 1981, is amended to read  
5 as follows:

6 123.40 EFFECT OF REVOCATION. Any ~~liquor-centrel~~ licensee  
7 or ~~beer~~ permittee whose license or permit is revoked under  
8 this chapter shall not thereafter be permitted to hold a  
9 ~~liquor-centrel~~ license or ~~beer~~ permit in the state of Iowa  
10 for a period of two years from the date of ~~such~~ the revocation.  
11 The spouse and business associates holding ten percent or  
12 more of the capital stock or ownership interest in the business  
13 of a person whose license or permit has been revoked shall  
14 not be issued a ~~liquor-centrel~~ license or ~~beer~~ permit, and  
15 ~~no-liquor-centrel~~ a license or ~~beer~~ permit shall not be issued  
16 which covers any business in which such person has a financial  
17 interest for a period of two years from the date of ~~such~~ the  
18 revocation. ~~in-the-event~~ If a license or permit is revoked,  
19 the premises which had been covered by such license or permit  
20 shall not be relicensed for one year.

21 Sec. 52. Section 123.44, Code 1981, is amended to read  
22 as follows:

23 123.44 GIFT OF LIQUORS PROHIBITED. ~~No~~ A manufacturer  
24 or wholesaler shall not give away any alcoholic liquor of  
25 any kind or description at any time in connection with ~~his~~  
26 the business except for testing or sampling purposes only.  
27 ~~No~~ A manufacturer, vintner, wholesaler, or importer, who is  
28 organized as a corporation pursuant to the laws of this state  
29 or any other state, and who deals in alcoholic ~~liquor-or-beer~~  
30 beverages subject to this chapter, shall not offer or give  
31 any thing of value to any council member, official or employee  
32 of the department or directly or indirectly contribute in  
33 any manner any money or thing of value to any person seeking  
34 a public or appointive office or any recognized political  
35 party or a group of persons seeking to become a recognized

1 political party.

2 Sec. 53. Section 123.45, Code 1981, is amended to read  
3 as follows:

4 123.45 INTEREST IN LIQUOR BUSINESS.

5 1. ~~No~~ A council member or department employee shall not,  
6 directly or indirectly, individually, or as a member of a  
7 partnership or shareholder in a corporation, have any interest  
8 in dealing in or in the manufacture of alcoholic ~~liquor or~~  
9 beer beverages nor receive any kind of profit nor have any  
10 interest in the purchase or sale of alcoholic ~~liquor or beer~~  
11 beverages by persons so authorized under this chapter ~~except~~  
12 ~~that.~~ However, this provision ~~shall~~ does not prevent any  
13 such member or employee from lawfully purchasing and keeping  
14 alcoholic ~~liquor or beer~~ beverages in his or her possession  
15 for personal use.

16 2. ~~No~~ A person engaged in the business of manufacturing,  
17 bottling, or wholesaling alcoholic beverages ~~or beer, nor~~  
18 any and a jobber or agent of such person, shall not directly  
19 or indirectly supply, furnish, give, or pay for any  
20 furnishings, fixtures, or equipment used in the storage,  
21 handling, serving, or dispensing of alcoholic beverages, ~~beer,~~  
22 or food within the place of business of a licensee or permittee  
23 authorized under ~~the provisions of~~ this chapter, to sell at  
24 retail; nor shall he or she directly or indirectly extend  
25 any credit for alcoholic beverages ~~or beer~~ or pay for any  
26 such license or permit, nor directly or indirectly be  
27 interested in the ownership, conduct, or operation of the  
28 business of another licensee or permittee authorized under  
29 ~~the provisions of~~ this chapter to sell at retail. Any licensee  
30 or permittee who ~~shall permit or assent~~ permits, assents,  
31 or be is a party in any way to any such violation or  
32 infringement of ~~the provisions of~~ this ~~chapter shall be deemed~~  
33 guilty of section commits a violation of ~~the provisions of~~  
34 this chapter.

35 3. Subsection 2 does not apply to the business organization

1 of, or the business arrangements and transactions between  
 2 a wholesale supplier which holds a class "A" wine permit and  
 3 grocery stores which hold class "C" wine permits and which  
 4 are owned in whole or in part by the class "A" permittee.

5 Sec. 54. Section 123.46, Code 1981, is amended to read  
 6 as follows:

7 123.46 CONSUMPTION IN PUBLIC PLACES--INTOXICATION. It  
 8 is unlawful for any person to use or consume alcoholic ~~liquors~~  
 9 ~~or-beer~~ beverages upon the public streets or highways, or  
 10 alcoholic liquors in any public place, except premises covered  
 11 by a liquor control license, or to possess or consume alcoholic  
 12 ~~liquors-or-beer~~ beverages on any public school property or  
 13 while attending any public or private school related functions,  
 14 and ~~no~~ a person shall not be intoxicated nor simulate  
 15 intoxication in a public place. As used in this section  
 16 "school" means a school or that portion ~~thereof~~ of a school,  
 17 which provides teaching for any grade from kindergarten through  
 18 grade twelve. Any person violating any provisions of this  
 19 section ~~shall-be~~ is guilty of a simple misdemeanor.

20 Sec. 55. Section 123.47, Code 1981, is amended to read  
 21 as follows:

22 123.47 PERSONS UNDER LEGAL AGE. ~~No~~ A person shall not  
 23 sell, give, or otherwise supply alcoholic ~~liquor-or-beer~~  
 24 beverages to any person knowing or having reasonable cause  
 25 to believe ~~him~~ the person to be under legal age, and ~~no~~ a  
 26 person or persons under legal age shall not individually or  
 27 jointly have possess or control alcoholic ~~liquor-or-beer-in~~  
 28 ~~his-or-their-possession-or-control;~~ beverages, except in the  
 29 case of ~~liquor-or-beer~~ an alcoholic beverage given or dispensed  
 30 to a person under legal age within a private home and with  
 31 the knowledge and consent of the parent or guardian for  
 32 beverage or medicinal purposes or as administered to ~~him~~ the  
 33 person by either a physician or dentist for medicinal purposes,  
 34 and except to the extent that a person under legal age may  
 35 handle alcoholic beverages ~~and-beer~~ during the regular course

1 of ~~his-or-her~~ the person's employment by a ~~liquor-control~~  
2 licensee or ~~beer~~ permittee ~~under-this-chapter~~.

3 Sec. 56. Section 123.48, subsection 1, Code 1981, is  
4 amended to read as follows:

5 1. Upon attempt to purchase alcoholic liquor or wine in  
6 any state liquor store by any person who appears to the vendor  
7 to be under legal age, ~~such~~ the vendor shall demand and the  
8 prospective purchaser upon ~~such~~ demand shall display  
9 satisfactory evidence that ~~he~~ the prospective purchaser is  
10 of legal age.

11 Sec. 57. Section 123.49, subsection 1, Code 1981, is  
12 amended to read as follows:

13 1. ~~No~~ A person shall not sell, dispense, or give to any  
14 intoxicated person, or one simulating intoxication, any  
15 alcoholic ~~liquor-or-beer~~ beverage.

16 Sec. 58. Section 123.49, subsection 2, unnumbered paragraph  
17 1 and paragraphs b, c, d, e, f, g, h, and i, Code 1981, are  
18 amended to read as follows:

19 ~~No~~ A person ~~or-club~~ holding a liquor control license,  
20 retail wine permit, or retail beer permit under this chapter,  
21 ~~nor-his~~ and the person's agents or employees, shall not do  
22 any of the following:

23 b. Sell or dispense any alcoholic beverage ~~or-beer~~ on  
24 the premises covered by the license or permit, or permit the  
25 consumption ~~thereon~~ on the premises between the hours of two  
26 a.m. and six a.m. on any weekday, and between the hours of  
27 two a.m. on Sunday and six a.m. on the following Monday,  
28 however, a holder of a liquor control license or retail beer  
29 permit granted the privilege of selling alcoholic ~~liquor-or~~  
30 beer beverages on Sunday may sell or dispense ~~such-liquor~~  
31 ~~or-beer~~ alcoholic beverages between the hours of noon and  
32 ten p.m. on Sunday.

33 c. Sell alcoholic beverages ~~or-beer~~ to any person on  
34 credit, except with a bona fide credit card. This provision  
35 ~~shall~~ does not apply to sales by a club to its members nor

1 to sales by a hotel or motel to bona fide registered guests.  
2 d. Keep on premises covered by a liquor control license  
3 any alcoholic ~~liquor~~ beverage in any container ~~except other~~  
4 ~~than the original package-purchased-from-the-department-or~~  
5 ~~from-a-native-wine-manufacturer~~ container in which purchased,  
6 ~~except still-wines-placed-in-dispensing-or-serving-containers~~  
7 ~~for-temporary-storage~~ wine and beer served on the premises  
8 for immediate consumption, and except mixed drinks or cocktails  
9 mixed on the premises for immediate consumption. This  
10 prohibition does not apply to common carriers holding a class  
11 "D" liquor control license.

12 e. Reuse for packaging alcoholic liquor or wine any  
13 container or receptacle used originally for packaging alcoholic  
14 liquor or wine; or adulterate, by the addition of any  
15 substance, the contents or remaining contents of an original  
16 package container of an alcoholic liquor or wine; or knowingly  
17 possess any original package container which has been so  
18 reused or adulterated.

19 f. Any Employ a person under eighteen years of age ~~shall~~  
20 ~~not-be-employed~~ in the sale or serving of alcoholic ~~liquor~~  
21 ~~or-beer~~ beverages for consumption on the premises where sold.

22 g. Allow any person other than the licensee, permittee,  
23 or employees of ~~such~~ the licensee or permittee, to use or  
24 keep on the licensed premises any alcoholic liquor or wine  
25 in any bottle or other container which is designed for the  
26 transporting of such beverages, except as permitted in section  
27 123.95. This paragraph ~~shall~~ does not apply to the lodging  
28 quarters of a class "B" liquor control licensee or beer  
29 permittee, or to common carriers holding a class "D" liquor  
30 control license.

31 h. Sell, give, or otherwise supply any alcoholic beverage  
32 ~~or-beer~~ to any person knowing or having reasonable cause to  
33 believe ~~him~~ the person to be under legal age, or permit any  
34 person knowing or having reasonable cause to believe ~~him~~ the  
35 person to be under legal age, to consume any alcoholic beverage

1 ~~or-beer~~.

2 i. In the case of a retail beer or wine permittee,  
3 knowingly allow the mixing or adding of alcohol or any  
4 alcoholic beverage to beer or wine or any other beverage in  
5 or about ~~his~~ the place of business.

6 Sec. 59. Section 123.49, subsections 3 and 4, Code 1981,  
7 are amended to read as follows:

8 3. ~~No~~ A person under legal age shall not misrepresent  
9 his or her age for the purpose of purchasing or attempting  
10 to purchase any alcoholic beverage ~~or-beer~~ from any licensee  
11 or permittee. If any person under legal age ~~shall-misrepresent~~  
12 misrepresents his or her age, and the licensee or permittee  
13 establishes that ~~he~~ the licensee or permittee made reasonable  
14 inquiry to determine whether ~~such~~ the prospective purchaser  
15 was over legal age, ~~such~~ the licensee or permittee ~~shall~~ is  
16 ~~not be~~ guilty of selling alcoholic ~~liquor-or-beer~~ beverages  
17 to minors.

18 4. ~~No~~ The privilege of selling alcoholic ~~liquor-or-beer~~  
19 beverages on Sunday as provided in sections 123.36, subsection  
20 6, and 123.134, subsection 5, shall not be granted to a club  
21 or other organization which places restrictions on admission  
22 or membership in the club or organization on the basis of  
23 sex, race, religion, or national origin. However, the  
24 privilege may be granted to a club or organization which  
25 places restrictions on membership on the basis of sex, if  
26 the club or organization has an auxiliary organization open  
27 to persons of the other sex.

28 Sec. 60. Section 123.50, subsections 2 and 3, Code 1981,  
29 are amended to read as follows:

30 2. The conviction of any ~~liquor-entiret~~ licensee or beer  
31 permittee ~~for~~ of a violation of any of the provisions of  
32 section 123.49 ~~shall~~, subject to subsection 3 of this section,  
33 ~~be~~ is grounds for the suspension or revocation of the license  
34 or permit by the department or the local authority. However,  
35 if any liquor control licensee is convicted of any violation

1 of subsection 2, paragraphs "a", "d" or "e", of such that  
2 section, or any wine permittee or beer permittee is convicted  
3 of a violation of paragraph "a" or "e" of that section, the  
4 ~~liquor-control~~ license or beer permit shall be revoked and  
5 shall immediately be surrendered by the holder, and the bond  
6 of the license or permit holder shall be forfeited to the  
7 department.

8 3. If any licensee, ~~beer~~ or permittee, or any employee  
9 of such the licensee or permittee ~~shall-be~~ is convicted of  
10 a violation of section 123.49, subsection 2, paragraph "h",  
11 or if a retail beer permittee ~~shall-be~~ is convicted of a  
12 violation of paragraph "i" of such the subsection, the director  
13 or local authority shall, in addition to the other penalties  
14 fixed for such violations by this section, assess a penalty  
15 as follows:

16 a. Upon a first conviction, the violator's ~~liquor-control~~  
17 license or beer permit shall be suspended for a period of  
18 fourteen days.

19 b. Upon a second conviction within a period of two years,  
20 the violator's ~~liquor-control~~ license or beer permit shall  
21 be suspended for a period of thirty days.

22 c. Upon a third conviction within a period of five years,  
23 the violator's ~~liquor-control~~ license or beer permit shall  
24 be suspended for a period of sixty days.

25 d. Upon a fourth conviction within a period of five years,  
26 the violator's ~~liquor-control~~ license or beer permit shall  
27 be revoked.

28 Sec. 61. Section 123.51, Code 1981, is amended by adding  
29 the following new subsection:

30 NEW SUBSECTION. Signs or other matter advertising a brand  
31 of wine shall not be erected or placed upon the outside of  
32 any premises occupied by a licensee or permittee authorized  
33 to sell wine at retail. This subsection does not prohibit  
34 the use of signs or other matter inside a fence or similar  
35 enclosure which wholly or partially surrounds the premises.

1 Sec. 62. Section 123.52, Code 1981, is amended to read  
2 as follows:

3 123.52 PROHIBITED SALE. No A person not expressly  
4 authorized by this chapter to deal in alcoholic ~~liquors~~-shall  
5 ~~within-the-state~~ beverages shall not keep for sale or offer  
6 for sale anything which is capable of being mistaken for a  
7 package containing an alcoholic liquor beverage and which  
8 is either labeled or branded with the name of any kind of  
9 alcoholic ~~liquor~~ beverage, whether the same contains any  
10 alcoholic ~~liquor~~ beverage or not.

11 Sec. 63. Section 123.55, subsections 8 and 9, Code 1981,  
12 are amended to read as follows:

13 8. The number of ~~liquor-control~~ licenses and ~~beer~~ permits  
14 issued, by class, the number in effect on the last day included  
15 in the report, and the number which have been suspended or  
16 revoked during the period covered by the report.

17 9. Amount of fees paid to the department from ~~liquor~~  
18 ~~control~~ licenses and ~~beer~~ permits, in gross, and the amount  
19 of ~~liquor-control-license~~ fees returned to local subdivisions  
20 of government as provided under this chapter.

21 Sec. 64. Section 123.59, Code 1981, is amended to read  
22 as follows:

23 123.59 BOOTLEGGING. Any person who, ~~by-himself~~, personally  
24 or through another acting for ~~him~~ the person, shall keep or  
25 carry on his or her person, or in a vehicle, or leave in a  
26 place for another to secure, any alcoholic ~~liquor-or-beer~~  
27 beverage with intent to sell or dispense ~~of-such-liquor-or~~  
28 beer the alcoholic beverage by gift or otherwise in violation  
29 of law, or who shall, within this state, in any manner,  
30 directly or indirectly, solicit, take, or accept any order  
31 for the purchase, sale, shipment, or delivery of ~~such-alcoholic~~  
32 ~~liquor-or-beer~~ alcoholic beverages in violation of law, or  
33 aid in the delivery and distribution of any alcoholic ~~liquor~~  
34 ~~or-beer~~ beverages so ordered or shipped, or who shall in any  
35 manner procure for, sell, or give any alcoholic ~~liquor-or~~

1 ~~beer~~ beverage to any person under legal age, for any purpose  
2 except as authorized and permitted in this chapter, ~~shall~~  
3 be is a bootlegger and be is subject to the general penalties  
4 provided by this chapter.

5 Sec. 65. Section 123.60, Code 1981, is amended to read  
6 as follows:

7 123.60 NUISANCES. The premises where the unlawful  
8 manufacture or sale, or keeping with intent to sell, use or  
9 give away, of alcoholic ~~liquors-or-beer~~ beverages is carried  
10 on, and any vehicle or other means of conveyance used in  
11 transporting ~~such-liquor-or-beer~~ alcoholic beverages in  
12 violation of law, and the furniture, fixtures, vessels and  
13 contents, kept or used in connection with ~~such~~ these activities  
14 are nuisances and shall be abated as provided in this chapter.

15 Sec. 66. Section 123.71, Code 1981, is amended to read  
16 as follows:

17 123.71 CONDITIONS. ~~In-no-case-shall-a~~ A bootlegger  
18 injunction proceeding, as provided in this chapter, shall  
19 not be maintained unless it be is shown to the court that  
20 efforts in good faith have been made to discover the base  
21 of supplies or place where the defendant charged as a  
22 bootlegger conducts ~~his~~ the unlawful business or receives  
23 or manufactures the alcoholic ~~liquor-or-beer,~~ beverage of  
24 which ~~he~~ the defendant is charged with bootlegging.

25 Sec. 67. Section 123.72, Code 1981, is amended to read  
26 as follows:

27 123.72 ORDER OF ABATEMENT. If the existence of a nuisance  
28 is established in a civil or criminal action, an order of  
29 abatement shall be entered as a part of the judgment in the  
30 case. ~~Such~~ This order shall direct the confiscation of all  
31 alcoholic ~~liquor-or-beer~~ beverages by the state; the removal  
32 from the premises involved of all fixtures, furniture, vessels,  
33 or movable property used in any way in conducting the unlawful  
34 business; the sale of all ~~such~~ the removed property as well  
35 as any vehicle or other means of conveyance which has been

1 abated, such sale to be conducted in the manner provided for  
2 the sale of chattels under execution; and the effective closing  
3 of the premises against use for the purpose of manufacture,  
4 sale, or consumption of alcoholic ~~liquor-or-beer~~ beverages  
5 for a period of one year, unless sooner released by the court.

6 Sec. 68. Section 123.81, Code 1981, is amended to read  
7 as follows:

8 123.81 FORFEITURE OF BOND. If the owner of a property  
9 who has filed an abatement bond as provided in this chapter  
10 fails to abate the ~~liquor-or-beer~~ nuisance on the premises  
11 covered by the bond, or fails to prevent the maintenance of  
12 ~~any-liquor-or-beer~~ the nuisance on ~~said~~ the premises at any  
13 time within a period of one year after entry of the abatement  
14 order, the court shall, after a hearing in which such fact  
15 is established, direct an entry of ~~such~~ the violation of the  
16 terms of the owner's bond, to be made on the record and the  
17 undertaking of ~~his~~ the owner's bond ~~thereupon~~ shall be  
18 forfeited.

19 Sec. 69. Section 123.84, Code 1981, is amended to read  
20 as follows:

21 123.84 JUDGMENT. If the court after hearing finds a  
22 ~~liquor-or-beer~~ nuisance has been maintained on the premises  
23 covered by the abatement bond and that ~~liquor-or-beer~~-has  
24 alcoholic beverages have been sold or kept for sale on the  
25 premises contrary to law within one year from the date of  
26 the giving of ~~such~~ the bond, then the court shall order the  
27 forfeiture of the bond and enter judgment for the full amount  
28 of ~~such~~ the bond against the principal and sureties ~~thereof~~  
29 on the bond, and the lien on the real estate created pursuant  
30 to section 123.79 shall be decreed foreclosed and the court  
31 shall provide for a special and general execution for the  
32 enforcement of ~~such~~ the decree and judgment.

33 Sec. 70. Section 123.91, subsection 2 and subsection 3,  
34 unnumbered paragraph 1, Code 1981, are amended to read as  
35 follows:

1 2. Any provision of the prior laws of this state relating  
2 to ~~intoxicating-liquors-or-beer~~ alcoholic beverages which  
3 were in force prior to the enactment of this chapter.

4 Any provision of the laws of the United States or of any  
5 other state relating to ~~intoxicating-liquors-or-beer~~ alcoholic  
6 beverages, and who is thereafter convicted of a subsequent  
7 criminal offense against any provision of this chapter is  
8 guilty of the following offenses:

9 Sec. 71. Section 123.92, unnumbered paragraph 1, Code  
10 1981, is amended to read as follows:

11 Every husband, wife, child, parent, guardian, employer  
12 or other person who ~~shall-be~~ is injured in person or property  
13 or means of support by any intoxicated person or resulting  
14 from the intoxication of any ~~such~~ person, ~~shall-have~~ has a  
15 right of action, severally or jointly, against any licensee  
16 or permittee, who ~~shall-sell~~ sells or ~~give-any-beer-or~~  
17 ~~intoxicating-liquor~~ gives alcoholic beverage to ~~any-such a~~  
18 person while ~~he-or-she~~ the person is intoxicated, or ~~serve~~  
19 ~~any-such~~ serves a person to a point where ~~such~~ the person  
20 is intoxicated, for all damages actually sustained. If the  
21 injury was caused by an intoxicated person, a permittee or  
22 licensee may establish as an affirmative defense that the  
23 intoxication did not contribute to the injurious action of  
24 the person.

25 Sec. 72. Section 123.95, Code 1981, is amended to read  
26 as follows:

27 123.95 PREMISES MUST BE LICENSED--EXCEPTION AS TO  
28 CONVENTIONS AND SOCIAL GATHERINGS. It is unlawful for any  
29 person to allow the dispensing or consumption of ~~intoxicating~~  
30 ~~liquor~~ alcoholic beverages, except sacramental wines and beer,  
31 in any establishment unless ~~such~~ the establishment ~~is-licensed~~  
32 has been issued a retail license or permit under this chapter.

33 However, bona fide conventions or meetings may bring their  
34 own legal ~~liquor~~ alcoholic beverages onto the licensed premises  
35 if ~~the-liquor-is~~ they are served to delegates or guests without

1 cost. All other provisions of this chapter shall be are  
2 applicable to such the premises. ~~The provisions of this~~ This  
3 section shall have has no application to private social  
4 gatherings of friends or relatives in a private home or a  
5 private place which is not of a commercial nature nor where  
6 goods or services may be purchased or sold nor any charge  
7 or rent or other thing of value is exchanged for the use of  
8 such the premises for any purpose other than for sleeping  
9 quarters.

10 Sec. 73. Section 123.96, subsections 1 and 2, Code 1981,  
11 are amended to read as follows:

12 1. Except as otherwise provided by ~~section 123.567-sub-~~  
13 ~~section 4~~, there is imposed on every person licensed to sell  
14 alcoholic beverages liquor for consumption on the premises  
15 where sold, a special tax equivalent to fifteen percent of  
16 the price established by the department on all alcoholic  
17 beverages liquor for general sale to the public. The tax  
18 shall be paid by all licensees at the point of purchase from  
19 the state on all alcoholic beverages liquor intended or used  
20 for resale for consumption on the premises of retail  
21 establishments. The tax is in lieu of any other sales tax  
22 applied at the state store and shall be shown as a separate  
23 item on special sales slips provided by the department for  
24 purchases by licensees.

25 2. Except as allowed under section 123.95 and, except  
26 as ~~allowed under section 123.567-subsection 4~~ otherwise  
27 provided, a licensee shall not knowingly keep on the licensed  
28 premises nor use for resale purposes any alcoholic liquor  
29 on which the special tax has not been paid to the state.  
30 The conviction of a violation of this section shall cause  
31 the license held to automatically be revoked and the license  
32 shall immediately be surrendered by the holder, and the bond  
33 of the license holder shall be forfeited to the department.

34 Sec. 74. Section 123.98, Code 1981, is amended to read  
35 as follows:

1        123.98 LABELING SHIPMENTS. It ~~shall-be~~ is unlawful for  
2 any common carrier or for any person to transport or convey  
3 by any means, whether for compensation or not, within this  
4 state, any intoxicating liquors or wines, unless the vessel  
5 or other package containing ~~sueh~~ those liquors ~~shall-be~~ or  
6 wines is plainly and correctly identified, showing the quantity  
7 and kind of liquors or wines contained therein, the name of  
8 the party to whom they are to be delivered, and the name of  
9 the shipper, or unless ~~sueh~~ this information is shown on a  
10 bill of lading or other document accompanying the shipment.  
11 ~~No~~ A person shall ~~be-authorized-to~~ not receive or keep ~~sueh~~  
12 alcoholic liquors or wines unless ~~the-same-be~~ they are marked  
13 or labeled as required by this section. The violation of  
14 any provision of this section by any common carrier, or any  
15 agent or employee of any carrier, or by any person, shall  
16 be punished under ~~the-provisions-of~~ this chapter.

17        ~~Liquors~~ Alcoholic liquors or wines conveyed, carried,  
18 transported, or delivered in violation of this section, whether  
19 in the hands of the carrier or someone to whom they ~~shall~~  
20 have been delivered, ~~shall-be~~ are subject to seizure and  
21 condemnation, as ~~liquors~~ alcoholic beverages kept for illegal  
22 sale.

23        Sec. 75. Section 123.99, Code 1981, is amended to read  
24 as follows:

25        123.99 FALSE STATEMENTS. If any person, for the purpose  
26 of procuring the shipment, transportation, or conveyance of  
27 any intoxicating liquors or wines within this state, shall  
28 make to any person, company, corporation, or common carrier,  
29 or to any agent thereof, any false statements as to the  
30 character or contents of any box, barrel, or other vessel  
31 or package containing ~~sueh~~ alcoholic liquors or wines; or  
32 shall refuse to give correct and truthful information as to  
33 the contents of any ~~sueh~~ box, barrel, or other vessel or  
34 package so sought to be transported or conveyed; or shall  
35 falsely mark, brand, or label such box, barrel, or other

1 vessel or package in order to conceal the fact that ~~the same~~  
2 it contains intoxicating liquors or wines; or shall by any  
3 device or concealment procure or attempt to procure the  
4 unlawful conveyance or transportation of such liquors as  
5 ~~herein prohibited~~ or wines, the person shall ~~be~~ is guilty  
6 of a simple misdemeanor.

7 Sec. 76. Section 123.100, Code 1981, is amended to read  
8 as follows:

9 123.100 PACKAGES IN TRANSIT. Any peace officer of the  
10 county under process or warrant ~~to him directed shall have~~  
11 ~~the right to~~ may open any box, barrel, or other vessel or  
12 package for examination, if ~~he~~ the peace officer has reasonable  
13 ground for believing that it contains intoxicating liquors  
14 or wines, either before or while ~~the same~~ it is being ~~so~~  
15 transported or conveyed.

16 Sec. 77. Section 123.101, Code 1981, is amended to read  
17 as follows:

18 123.101 RECORD OF SHIPMENTS. ~~It shall be the duty of~~  
19 ~~all~~ All common carriers, or corporations, or persons who shall  
20 for hire carry any intoxicating liquors or wines into the  
21 state, or from one point to another within the state, for  
22 the purpose of delivery, and who shall deliver ~~sueh~~ the  
23 intoxicating liquor or wine to any person, company, or  
24 corporation, ~~to~~ shall keep, at each station or office where  
25 ~~it employs~~ they employ an agent or other person to make  
26 delivery of freight and keep records relative thereto, a  
27 record book, ~~wherein sueh~~ where the carrier shall, promptly  
28 upon receipt and prior to delivery, enter in ink, in legible  
29 writing, and in full, the name of the consignor of each  
30 shipment of intoxicating liquor or wine to be delivered from  
31 or through ~~sueh~~ the station, from where shipped, the date  
32 of arrival, the quantity and kind of liquor or wine, so far  
33 as disclosed by lettering on the package or by the carrier's  
34 records, and to whom and where consigned, and the date  
35 delivered.

1 Sec. 78. Section 123.103, Code 1981, is amended to read  
2 as follows:

3 123.103 RECORD RECEIPT UPON DELIVERY. No shipment billed  
4 in whole or in part as intoxicating liquor or wine shall be  
5 delivered to the consignee until ~~such~~ the consignee upon ~~such~~  
6 the record book enters in ink, in legible writing, his or  
7 her full name and residence or place of business, giving the  
8 name of the city, and the street name and number, if any,  
9 and certifies that ~~such~~ the liquor or wine is for his or her  
10 own lawful purposes.

11 Sec. 79. Section 123.104, Code 1981, is amended to read  
12 as follows:

13 123.104 UNLAWFUL DELIVERY. It ~~shall be~~ is a simple  
14 misdemeanor for any corporation, common carrier, person, or  
15 any agent or employee thereof:

16 1. To deliver any intoxicating liquors or wines to any  
17 person other than to the consignee.

18 2. To deliver any intoxicating liquors or wines without  
19 having ~~the same~~ them receipted for as provided in section  
20 123.103.

21 3. To deliver any intoxicating liquors or wines where  
22 there is reasonable ground to believe that ~~such~~ the liquor  
23 or wine is intended for unlawful use.

24 Sec. 80. Section 123.106, Code 1981, is amended to read  
25 as follows:

26 123.106 FEDERAL STATUTES. The requirements of this chapter  
27 relative to the shipment and delivery of intoxicating liquors  
28 or wines and the records to be kept thereof shall be construed  
29 in harmony with federal statutes relating to interstate  
30 commerce in such liquors and wines.

31 Sec. 81. Section 123.107, subsection 1, Code 1981, is  
32 amended to read as follows:

33 1. To set out exactly the kind or quantity of intoxicating  
34 liquors and wines manufactured, sold, given in evasion of  
35 the statute, or kept for sale.

1       Sec. 82. Section 123.111, Code 1981, is amended to read  
2 as follows:

3       123.111 PURCHASER AS WITNESS. The person purchasing any  
4 intoxicating liquor or wine sold in violation of this chapter  
5 ~~shall~~ is in all cases ~~be~~ a competent witness to prove ~~sueh~~  
6 the sale.

7       Sec. 83. Section 123.115, Code 1981, is amended to read  
8 as follows:

9       123.115 DEFENSE. In any prosecution under this chapter  
10 for the unlawful transportation of intoxicating liquors or  
11 wines it ~~shall-be~~ is a defense that the character and contents  
12 of the shipment or thing transported were not known to the  
13 accused or to ~~his~~ the accused agent or employee.

14       Sec. 84. Section 123.116, Code 1981, is amended to read  
15 as follows:

16       123.116 RIGHT TO RECEIVE LIQUORS. The consignee of  
17 intoxicating liquors or wines shall, on demand of the carrier  
18 transporting ~~sueh~~ the liquors or wines, furnish the carrier,  
19 at the place of delivery, with legal proof of the consignee's  
20 legal right to receive ~~sueh~~ the liquors or wines at the time  
21 of delivery, and until ~~sueh~~ proof is furnished the carrier  
22 ~~shall-be~~ is not under ~~no~~ a legal obligation to make delivery  
23 nor ~~be~~ liable for failure to deliver.

24       Sec. 85. Section 123.117, Code 1981, is amended to read  
25 as follows:

26       123.117 DELIVERY TO SHERIFF. If ~~sueh~~ proof is not  
27 furnished to the carrier within ten days after demand, the  
28 carrier may deliver ~~sueh~~ the liquors or wines to the sheriff  
29 of the county embracing the place of delivery, and such  
30 delivery shall absolve the carrier from all liability  
31 pertaining to ~~sueh~~ the liquors or wines.

32       Sec. 86. Section 123.118, Code 1981, is amended to read  
33 as follows:

34       123.118 DESTRUCTION. The sheriff shall, on receipt of  
35 ~~sueh~~ the liquors or wines from the carrier, report the receipt

1 to the district court of ~~his~~ the county, and the court shall  
2 proceed to summarily enter an order for the destruction or  
3 forfeiture to the state of ~~such~~ the liquors or wines.

4 Sec. 87. Section 123.119, Code 1981, is amended to read  
5 as follows:

6 123.119 EVIDENCE. In all actions, civil or criminal,  
7 under ~~the-provisions-of~~ this chapter, the finding of  
8 intoxicating liquors or wines or of instruments or utensils  
9 used in the manufacture of intoxicating liquors or wines,  
10 or materials which are being used, or are intended to be used  
11 in the manufacture of intoxicating liquors or wines, in the  
12 possession of or under the control of any person, under and  
13 by authority of a search warrant or other process of law,  
14 and which ~~shall~~ have been finally adjudicated and declared  
15 forfeited by the court, ~~shall-be~~ is competent evidence of  
16 maintaining a nuisance or bootlegging, or of illegal  
17 transportation of intoxicating liquors or wines, as the case  
18 may be, by ~~such~~ that person.

19 Sec. 88. Section 123.120, Code 1981, is amended to read  
20 as follows:

21 123.120 ATTEMPT TO DESTROY. The destruction of or attempt  
22 to destroy any liquid by any person while in the presence  
23 of peace officers or while a property is being searched by  
24 a peace officer, ~~shall-be~~ is competent evidence that ~~such~~  
25 the liquid is intoxicating liquor or wine and intended for  
26 unlawful purposes.

27 Sec. 89. Section 123.121, Code 1981, is amended to read  
28 as follows:

29 123.121 VENUE. In any prosecution under this chapter  
30 for the unlawful sale of alcoholic ~~liquor-or-beer~~ beverages,  
31 a sale ~~of-alcoholic-liquor-or-beer~~ which requires a shipment  
32 or delivery of ~~such-liquor-or-beer~~ the alcoholic beverage  
33 shall be deemed to be made in the county in which ~~such~~ the  
34 delivery is made by the carrier to the consignee, ~~his~~ or to  
35 the consignee's agent, or employee.

1 In any prosecution under this chapter for the unlawful  
2 transportation of intoxicating liquor or wine, the offense  
3 shall be held to have been committed in any county in which  
4 ~~such~~ the liquor or wine is received for transportation, through  
5 which it is transported, or in which it is delivered.

6 Sec. 90. Section 123.122, Code 1981, is amended to read  
7 as follows:

8 123.122 PERMIT OR LICENSE REQUIRED. ~~No~~ A person shall  
9 not manufacture for sale or sell beer at wholesale or retail  
10 unless a beer permit is first obtained as provided in this  
11 division or, a liquor control license authorizing the retail  
12 sale of beer is first obtained as provided in division I of  
13 this chapter. ~~No~~ A liquor control license holder ~~shall~~-be  
14 is not required to hold a separate class "B" beer permit or  
15 to post a separate bond.

16 Sec. 91. Section 123.124, Code 1981, is amended to read  
17 as follows:

18 123.124 PERMITS--CLASSES. Permits for the manufacture  
19 and sale, or sale of beer shall be divided into three classes,  
20 and shall be known as either class "A", "B", or "C" beer  
21 permits. A class "A" beer permit shall allow the holder to  
22 manufacture and sell beer at wholesale. The holder of a class  
23 "A" beer permit may manufacture beer of more than five percent  
24 of alcohol by weight for shipment outside this state only.  
25 However, a class "A" beer permit does not grant authority  
26 to manufacture wine as defined in section 123.3, subsection  
27 7 nor a beverage made as described in section 123.3, subsection  
28 7, containing over seventeen percent of alcohol by weight.  
29 A class "B" beer permit shall allow the holder to sell beer  
30 at retail for consumption on or off the premises. A class  
31 "C" beer permit shall allow the holder to sell beer at retail  
32 for consumption off the premises.

33 Sec. 92. Section 123.127, unnumbered paragraph 1, Code  
34 1981, is amended to read as follows:

35 A class "A" beer permit shall be issued by the director

1 to any person who:

2 Sec. 93. Section 123.128, unnumbered paragraph 1, Code  
3 1981, is amended to read as follows:

4 A class "B" beer permit shall be issued by the director  
5 to any person who:

6 Sec. 94. Section 123.129, unnumbered paragraph 1, Code  
7 1981, is amended to read as follows:

8 ~~No~~ A class "C" beer permit shall not be issued to any  
9 person except the owner or proprietor of a grocery store or  
10 pharmacy.

11 Sec. 95. Section 123.130, Code 1981, is amended to read  
12 as follows:

13 123.130 AUTHORITY UNDER CLASS "A" BEER PERMIT. Any per-  
14 son holding a class "A" beer permit issued by the department  
15 ~~shall-be-authorized-to~~ may manufacture and sell, or sell at  
16 wholesale, beer for consumption off the premises, such sales  
17 within the state to be made only to persons holding ~~subsisting~~  
18 existing class "A", "B" or "C" beer permits, or liquor control  
19 licenses issued in accordance with ~~the-provisions-of~~ this  
20 chapter.

21 Sec. 96. Section 123.131, Code 1981, is amended to read  
22 as follows:

23 123.131 AUTHORITY UNDER CLASS "B" BEER PERMIT. Subject  
24 to ~~the-provisions-of~~ this chapter, any person holding a class  
25 "B" beer permit ~~shall-be-authorized-to~~ may sell beer for  
26 consumption on or off the premises. However, unless otherwise  
27 provided in this chapter, ~~no~~ a sale of beer shall not be made  
28 for consumption on the premises unless the place where ~~such~~  
29 the service is made is equipped with tables and seats  
30 sufficient to accommodate not less than twenty-five persons  
31 at one time.

32 Sec. 97. Section 123.132, Code 1981, is amended to read  
33 as follows:

34 123.132 AUTHORITY UNDER CLASS "C" BEER PERMIT. Any person  
35 holding a class "C" beer permit ~~shall-be-allowed-to~~ may sell

1 beer for consumption off the premises. Such sales shall be  
2 in original containers only.

3 Sec. 98. Section 123.133, Code 1981, is amended to read  
4 as following:

5 123.133 SALE ON TRAINS--BOND. Subject to ~~the-provisions~~  
6 of this chapter, any dining car company, sleeping car company,  
7 railroad company, or railway company may make application  
8 to the director for a special class "B" beer permit, and the  
9 director may issue a permit to ~~any-such~~ the company which  
10 shall authorize the holder to keep for sale and sell beer  
11 on any dining car, sleeping car, buffet car, or observation  
12 car operated by ~~sueh~~ the applicant in, through, or across  
13 the state. The application for ~~sueh~~ a permit shall be in  
14 ~~sueh~~ a form and contain ~~sueh~~ information as ~~may-be~~ required  
15 by the director. Each ~~sueh~~ permit shall be good throughout  
16 the state as a state permit. Only one ~~sueh~~ permit shall be  
17 required for all cars operated in this state by ~~sueh~~ an  
18 applicant, but a duplicate of ~~sueh~~ the permit shall be posted  
19 in each car in which such beverages are sold; and no further  
20 permit shall be required or tax levied for the privilege of  
21 selling beer for consumption in such cars. As a condition  
22 precedent to the issuing of ~~any-sueh~~ a permit, the applicant  
23 shall give bond to the department, with good and sufficient  
24 sureties ~~thereon~~ to be approved by the director, conditioned  
25 upon faithful compliance with ~~the-provisions-of~~ this chapter  
26 in the penal sum of one thousand dollars.

27 Sec. 99. Section 123.134, subsection 1, Code 1981, is  
28 amended to read as follows:

29 1. The annual permit fee for a class "A" beer permit shall  
30 ~~be~~ is two hundred fifty dollars.

31 Sec. 100. Section 123.134, subsection 2, unnumbered  
32 paragraph 1, Code 1981, is amended to read as follows:

33 The annual permit fee for a class "B" beer permit shall  
34 be graduated according to population as follows:

35 Sec. 101. Section 123.134, subsection 3, unnumbered

1 paragraph 1, Code 1981, is amended to read as follows:

2 The annual permit fee for a class "C" beer permit shall  
3 be graduated on the basis of the amount of interior floor  
4 space which comprises the retail sales area of the premises  
5 covered by the permit, as follows:

6 Sec. 102. Section 123.134, subsection 4, Code 1981, is  
7 amended to read as follows:

8 4. The annual permit fee for a special class "B" beer  
9 permit, issued under section 123.133, ~~shall-be~~ is one hundred  
10 dollars, and three dollars for each duplicate permit, which  
11 fees shall be paid to the department. The department shall  
12 issue duplicates of ~~such~~ the permits ~~from-time-to-time~~ as  
13 applied for by each ~~such~~ company.

14 Sec. 103. Section 123.135, Code 1981, is amended to read  
15 as follows:

16 123.135 BREWER'S CERTIFICATE OF COMPLIANCE--PENALTY.

17 1. Any manufacturer, brewer, bottler, importer, or vendor  
18 of beer or any agent thereof desiring to ship, sell, or have  
19 beer brought into this state for resale by a class "A" beer  
20 permittee shall first make application for and shall be issued  
21 a brewer's certificate of compliance by the director for ~~such~~  
22 that purpose. ~~Such~~ The certificate of compliance shall expire  
23 at the end of one year from the date of issuance and shall  
24 be renewed for a like period upon application to the director  
25 unless otherwise revoked for cause. Each application for  
26 a brewer's certificate of compliance or renewal ~~thereof~~ shall  
27 be accompanied by a fee of one hundred dollars payable to  
28 the department. Each holder of a brewer's certificate of  
29 compliance shall furnish ~~such~~ information and in ~~such~~ a form  
30 as the director ~~may-require~~ requires. Any brewer whose plant  
31 is located in Iowa and who otherwise holds a class "A" beer  
32 permit to sell beer at wholesale ~~shall-be~~ is exempt from the  
33 fee, but not of the other terms and conditions, ~~as-herein~~  
34 provided.

35 2. At the time of applying for a brewer's certificate

1 of compliance, each applicant shall file with the department  
2 a list of all class "A" beer permittees with whom it intends  
3 to do business and shall designate the geographic area in  
4 which its products are to be distributed by such permittee  
5 permittees. The listing of class "A" beer permittees and  
6 geographic area as filed with the department may be amended  
7 from time to time by the holder of a the certificate of  
8 compliance.

9 3. All class "A" beer permit holders shall sell only those  
10 brands of beer which are manufactured, brewed, bottled,  
11 shipped, or imported by a person holding a current brewer's  
12 certificate of compliance. Any employee or agent working  
13 for or representing the holder of a brewer's certificate of  
14 compliance within this state shall register his or her name  
15 and address with the department, which names and addresses  
16 shall be filed with the department's copy of the certificate  
17 of compliance issued.

18 4. It ~~shall-be~~ is unlawful for any holder of a brewer's  
19 certificate of compliance or ~~his~~ the holder's agent, or any  
20 class "A" beer permit holder or ~~his~~ holder's agent, to grant  
21 to any retail beer permit holder, directly or indirectly,  
22 any rebates, free goods, or quantity discounts on beer which  
23 are not uniformly offered to all retail permittees.

24 5. Notwithstanding any other penalties provided by this  
25 chapter, any holder of a brewer's certificate of compliance  
26 or any class "A" beer permit holder who ~~shall-violate~~ violates  
27 any of the provisions of this section shall be is subject  
28 to a civil fine not to exceed one thousand dollars or  
29 suspension of ~~his~~ the holder's certificate or permit for a  
30 period not to exceed one year or both ~~such~~ civil fine and  
31 suspension.

32 Sec. 104. Section 123.136, unnumbered paragraph 1, Code  
33 1981, is amended to read as follows:

34 in addition to the annual permit fee to be paid by all  
35 class "A" beer permittees under ~~the-provisions-of~~ this chapter,

1 there shall be levied and collected from such permittees on  
2 all beer manufactured for sale or sold in this state at  
3 wholesale and on all beer imported into this state for sale  
4 at wholesale and sold in this state at wholesale, a tax of  
5 four and thirty-four hundredths dollars for every barrel  
6 containing thirty-one gallons, and at a like rate for any  
7 other quantity or for the fractional part of a barrel.  
8 However, no tax shall be levied or collected on beer shipped  
9 outside this state by a class "A" beer permittee or sold by  
10 one class "A" beer permittee to another class "A" beer  
11 permittee.

12 Sec. 105. Section 123.137, unnumbered paragraph 1, Code  
13 1981, is amended to read as follows:

14 Every person holding a class "A" beer permit shall on or  
15 before the tenth day of each calendar month commencing on  
16 the tenth day of the calendar month following the month in  
17 which ~~sueh~~ the person is issued a permit, make a report under  
18 oath to the department upon forms to be furnished by the  
19 department ~~for-sueh-purpose~~ showing the exact number of barrels  
20 of beer, or fractional parts thereof, sold by ~~sueh~~ the permit  
21 holder during the preceding calendar month. ~~Sueh~~ The report  
22 shall also state ~~sueh~~ information as the director ~~may-require~~  
23 requires, and ~~sueh~~ permit holders shall at the time of filing  
24 ~~said~~ the report pay to the department the amount of tax due  
25 at the rate fixed in section 123.136.

26 Sec. 106. Section 123.138, Code 1981, is amended to read  
27 as follows:

28 123.138 BOOKS OF ACCOUNT REQUIRED. Each class "A" beer  
29 permittee shall keep proper books of account and records  
30 showing the amount of beer sold ~~by-him~~, which books of account  
31 shall be at all times open to inspection by the director.  
32 Each class "B" and class "C" beer permittee shall keep proper  
33 books of account and records showing each purchase of beer  
34 made ~~by-him~~, and the date and the amount of each purchase  
35 and the name of the person from whom each purchase was made,

1 which books of account and records shall be open to inspection  
2 by the director and agents of the division of beer and liquor  
3 law enforcement of the department of public safety during  
4 normal business hours of the permittee.

5 Sec. 107. Section 123.139, Code 1981, is amended to read  
6 as follows:

7 123.139 SEPARATE LOCATIONS--CLASS "A" BEER PERMIT. Every  
8 class "A" beer permittee having more than one place of business  
9 ~~shall-be~~ is required to have a separate permit for each  
10 separate place of business maintained by ~~sueh~~ the permittee  
11 ~~wherein-sueh~~ where beer is stored, warehoused, or sold.

12 Sec. 108. Section 123.140, Code 1981, is amended to read  
13 as follows:

14 123.140 SEPARATE LOCATIONS--CLASS "B" OR "C" BEER PERMIT.  
15 Every person holding a class "B" or class "C" beer permit  
16 having more than one place of business where ~~sueh~~ beer is  
17 sold which places do not constitute a single premises within  
18 the meaning of section 123.3, subsection 31 ~~shall-be~~ is  
19 required to have a separate license for each separate place  
20 of business, except as otherwise provided by this chapter.

21 Sec. 109. Section 123.141, Code 1981, is amended to read  
22 as follows:

23 123.141 KEEPING LIQUOR WHERE BEER IS SOLD. No alcoholic  
24 liquor for beverage purposes and wine shall be used, or kept  
25 for any purpose in the place of business of class "B" beer  
26 permittees, or on the premises of ~~sueh~~ class "B" beer  
27 permittees, at any time. A violation of any provision of  
28 this section ~~shall-be~~ is grounds for suspension or revocation  
29 of the permit pursuant to section 123.50, subsection 3. This  
30 section ~~shall~~ does not apply in any manner or in any way  
31 to any railway car of any dining car company, sleeping car  
32 company, railroad company or railway company, having a special  
33 class "B" beer permit; to the premises of any hotel or motel  
34 for which a class "B" beer permit has been issued, other than  
35 that part of ~~sueh~~ the premises regularly used by the hotel

1 or motel for the principal purpose of selling beer or food  
2 to the general public; or to drug stores regularly and  
3 continuously employing a registered pharmacist, from having  
4 alcohol in stock for medicinal and compounding purposes.

5 Sec. 110. Section 123.142, Code 1981, is amended to read  
6 as follows:

7 123.142 PURCHASE FROM NONPERMIT HOLDER. It ~~shall-be~~ is  
8 unlawful for the holder of any class "B" beer or class "C"  
9 beer permit issued under ~~the-provisions-of~~ this chapter to  
10 sell beer, except beer purchased from a person holding a  
11 ~~subsisting~~ an existing class "A" beer permit issued in  
12 accordance with ~~the-provisions-of~~ this chapter, and on which  
13 the tax provided in section 123.136 has been paid. However,  
14 ~~the-provisions-of~~ this section ~~shall~~ does not apply to the  
15 holders of special class "B" beer permits issued under section  
16 123.133 for sales in cars engaged in interstate commerce nor  
17 to class "D" liquor control licensees as provided in this  
18 chapter.

19 It ~~shall-be~~ is unlawful for any person not holding a class  
20 "A" beer permit to import beer into this state for the purpose  
21 of sale or resale.

22 Sec. 111. Section 123.143, Code 1981, is amended to read  
23 as follows:

24 123.143 DISTRIBUTION OF FUNDS. The revenues obtained  
25 from beer permit fees and the barrel tax collected under ~~the~~  
26 ~~provisions-of~~ this chapter shall be distributed as follows:

27 1. All retail beer permit fees collected by any local  
28 authority at the time application for the permit is made shall  
29 be retained by the local authority. A certified copy of the  
30 receipt for the beer permit fee shall be submitted to the  
31 department with the application and the local authority shall  
32 be notified at the time the permit is issued. Those amounts  
33 retained by the appropriate local authority out of the fee  
34 collected for the privilege authorized under section 123.134,  
35 subsection 5, shall be deposited in the county mental health

1 and institutions fund to be used only for the care and  
2 treatment of persons admitted or committed to the alcoholic  
3 treatment center at Oakdale or any facilities as provided  
4 in chapter 125.

5 2. All beer permit fees and taxes collected by the  
6 department under this division shall accrue to the state  
7 general fund, except as otherwise provided.

8 Sec. 112. Section 123.144, Code 1981, is amended to read  
9 as follows:

10 123.144 BOTTLING BEER. No person shall bottle beer within  
11 the state of Iowa for purposes other than for individual  
12 consumption in a private home, except class "A" beer permittees  
13 who have complete equipment for bottling beer and who have  
14 received the approval of the local board of health as to  
15 sanitation, and ~~it shall be the duty of~~ local boards of health  
16 ~~to~~ shall inspect the premises and equipment of class "A" beer  
17 permittees who desire to bottle beer.

18 Sec. 113. Section 123.146, subsections 1, 2 and 3, Code  
19 1981, are amended to read as follows:

20 1. Any class "A" beer permittee which owns and operates  
21 a brewery located in Iowa and which is not disqualified under  
22 subsection 3 of this section is entitled to the barrel tax  
23 rebate provided in subsection 2 of this section.

24 2. Upon application, a class "A" beer permittee entitled  
25 to a rebate under this section shall receive a rebate of fifty  
26 percent of the barrel tax paid under section 123.136 for each  
27 barrel of the first fifty thousand barrels taxed in each year.  
28 The rebate shall be paid to the class "A" beer permittee en-  
29 titled thereto whether the barrel tax was collected from ~~such~~  
30 that class "A" beer permittee or from another class "A" beer  
31 permittee. The rebate provided in this subsection ~~shall~~ does  
32 not apply to any penalty incurred.

33 3. A class "A" beer permittee which owns and operates  
34 a brewery located in Iowa ~~shall be~~ is disqualified for the  
35 barrel tax rebate provided in subsection 2 of this section

1 if either of the following apply:

2 a. The amount of beer manufactured in this state by that  
3 class "A" beer permittee and sold in this state, but excluding  
4 any amounts shipped outside of this state by any class "A"  
5 beer permittee, exceeds one hundred fifty thousand barrels  
6 of beer annually.

7 b. That class "A" beer permittee, together with all other  
8 persons controlling, controlled by, or under common control  
9 with that class "A" beer permittee, manufacture at one or  
10 more locations within or without Iowa, an amount sold in this  
11 state, but excluding any amounts shipped outside of this state  
12 by any class "A" beer permittee, which exceeds one hundred  
13 fifty thousand barrels of beer annually.

14 Sec. 114. Section 123.150, unnumbered paragraph 1, Code  
15 1981, is amended to read as follows:

16 Notwithstanding section 123.36, subsection 6, section  
17 123.49, subsection 2, paragraph "b", and section 123.134,  
18 subsection 5, a holder of any class of liquor control license  
19 or the holder of a class "B" beer permit may sell or dispense  
20 such liquor, wine, or beer to patrons for consumption on the  
21 premises between the hours of noon on Sunday and two a.m.  
22 on Monday when that Monday is New Years Day and beer for con-  
23 sumption off the premises between the hours of noon Sunday  
24 and ten p.m. Sunday when that Sunday is the day before New  
25 Years Day. A holder of a class "B" or "C" wine permit may  
26 sell wine for consumption off the premises between the hours  
27 of noon Sunday and ten p.m. Sunday when that Sunday is the  
28 day before New Years Day. The ~~liquor-control~~ license fee  
29 or ~~beer~~ permit fee of licensees and permittees permitted to  
30 sell or dispense such liquor, wine, or beer on a Sunday when  
31 that Sunday is the day before New Years Day shall not be  
32 increased because of this privilege.

33 Sec. 115. Section 123.153, subsections 2, 4, 5, and 6,  
34 Code 1981, are amended to read as follows:

35 2. "Gross revenue" means all income or receipts derived

1 from the operation of liquor and wine sale activities.

2 4. "Operating expense" means salaries, wages, costs of  
3 maintenance and operation, materials, supplies, inventories,  
4 insurance, and other items in relation to liquor and wine  
5 sale activities included under recognized public agency  
6 accounting practices, but does not include allowances for  
7 depreciation in the value of physical property.

8 5. "Revenue bond" or "bond" means a negotiable bond issued  
9 by the state and payable from the net revenues of liquor and  
10 wine sale activities or of any part or project thereof.

11 6. "Liquor and wine sale activities" means any activities  
12 conducted by the council and the department with reference  
13 to the sale of alcoholic liquor and wine.

14 Sec. 116. Section 123.155, unnumbered paragraph 3, Code  
15 1981, is amended to read as follows:

16 The proceedings authorizing the issuance of the bonds may  
17 provide for the establishment of reserve funds or sinking  
18 funds as deemed necessary for the application of surplus net  
19 revenues, and for the continuation of liquor and wine sale  
20 activities on a revenue producing basis and the maintenance  
21 of net revenues at levels at least sufficient to pay principal  
22 of and interest on the revenue bonds as they become due and  
23 to maintain reserves or sinking funds therefor.

24 Sec. 117. Section 127.2, Code 1981, is amended to read  
25 as follows:

26 127.2 SEIZURE UNDER TRANSPORTATION. A peace officer who  
27 discovers that intoxicating liquor as defined in section  
28 123.3, subsection 8, or wine as defined in section 123.3,  
29 subsection 7, has been or is being transported in violation  
30 of law, shall summarily arrest the offender and likewise shall  
31 seize said the intoxicating liquor or wine, and shall seize  
32 the liquor and the conveyance used to effect said the  
33 transportation.

34 Sec. 118. Section 127.7, Code 1981, is amended to read  
35 as follows:

1 127.7 LIQUOR SUBJECT TO FORFEITURE. The court, upon  
2 conviction, shall enter a judgment of forfeiture of the  
3 intoxicating liquor or wine, and the vessels seized and shall  
4 file with the clerk of the district court a certified  
5 transcript of ~~such~~ the order.

6 Sec. 119. Section 127.8, Code 1981, is amended to read  
7 as follows:

8 127.8 DISPOSITION OF FORFEITED LIQUORS. When a judgment  
9 has been entered decreeing a forfeiture of any intoxicating  
10 ~~liquors~~ liquor or wine, the magistrate shall direct the  
11 disposition of ~~such-liquors~~ the intoxicating liquor or wine,  
12 and the vessels containing ~~the-same~~ it:

13 1. By ordering that forfeited intoxicating ~~liquors~~ liquor  
14 or wine, which ~~have~~ has a valid unbroken federal liquor tax  
15 stamp properly affixed to the vessel and which the magistrate  
16 has no reason to believe is adulterated or contaminated, be  
17 delivered to the Iowa beer and liquor control department.

18 2. By ordering the destruction of forfeited intoxicating  
19 ~~liquors~~ liquor or wine which ~~do~~ does not have a valid federal  
20 liquor tax stamp properly affixed to the vessel or which the  
21 magistrate has reason to believe is contaminated or  
22 adulterated.

23 3. By ordering any portion ~~thereof~~ consisting of alcohol,  
24 brandies, wine, or whiskey, to be delivered, for medicinal  
25 or scientific purposes, to any state or reputable hospital  
26 in the county, or in adjoining counties, or to the board of  
27 control of state institutions, or to any reputable educational  
28 institution in the state for scientific purposes.

29 Sec. 120. Section 127.9, Code 1981, is amended to read  
30 as follows:

31 127.9 CONVEYANCE SUBJECT TO FORFEITURE. Any conveyance  
32 which is used to transport a quantity of unlawful intoxicating  
33 liquor or unlawful wine, which is large enough to give rise  
34 to a presumption that the ~~liquors-are~~ liquor or wine is being  
35 transported for the purpose of sale and the transportation

1 of ~~such-liquors~~ the liquor or wine is not incidental to the  
2 transportation of persons or other property is subject to  
3 forfeiture to the state.

4 Sec. 121. Section 127.10, Code 1981, is amended to read  
5 as follows:

6 127.10 INFORMATION. An information, under oath, and in  
7 substantially the following form, shall be filed in the  
8 district court against a conveyance promptly upon the its  
9 seizure ~~thereof, -to-wit:~~

10 "State of Iowa

11 vs.

12 One certain automobile (or other conveyance as the case may  
13 be)

14 ..... being duly sworn do say on oath that (here describe  
15 the conveyance with reasonable certainty) was, on the  
16 ..... day of ....., 19....., in the county of  
17 ....., in the state of Iowa, employed in the  
18 transportation of intoxicating liquors or wine, in violation  
19 of law, and, because of such unlawful use, was at said time  
20 and place seized and is now in the custody of the sheriff  
21 of ~~said~~ that county; that to the best knowledge and belief  
22 of this affiant ~~said~~ the conveyance belongs to  
23 ..... Wherefore it is asked that ~~said~~ the  
24 conveyance be dealt with as provided by law."

25 Sec. 122. Section 127.12, subsections 1, 2, and 3, Code  
26 1981, are amended to read as follows:

27 1. The quantity of intoxicating liquor or wine transported  
28 is large enough to give rise to a presumption that the liquor  
29 or wine was being transported for the purpose of sale.

30 2. The transportation of the intoxicating liquor or wine  
31 was not incidental to the transportation of persons or other  
32 property.

33 3. One of the owners or lien holders knew or consented  
34 to the transportation of the intoxicating liquor or wine.

35 Sec. 123. Section 127.13, Code 1981, is amended to read

1 as follows:

2 127.13 EFFECT OF FORFEITURE ON OWNERS AND LIEN HOLDERS.

3 An order of forfeiture shall is only be effective against  
4 the property interest of an owner or lien holder who knew  
5 or consented to the transportation of the intoxicating liquor  
6 or wine. The property interest of an owner or lien holder  
7 who did not consent or know of the transportation of the  
8 intoxicating liquor or wine shall not be affected by the  
9 order.

10 Sec. 124. Section 455C.1, subsection 1, Code 1981, is  
11 amended to read as follows:

12 1. "Beverage" means wine as defined in section 123.3,  
13 subsection 7, alcoholic liquor as defined in section 123.3,  
14 subsection 8, beer as defined in section 123.3, subsection  
15 9, mineral water, soda water and similar carbonated soft  
16 drinks in liquid form and intended for human consumption.

17 Sec. 125. Section 455C.2, subsection 1, Code 1981, is  
18 amended to read as follows:

19 1. Except purchases of wine as defined in section 123.3,  
20 subsection 7, or alcoholic liquor as defined in section 123.3,  
21 subsection 8, by holders of class "A", "B" and "C" liquor  
22 control licenses or class "A", "B", or "C" wine permit, a  
23 refund value of not less than five cents shall be paid by  
24 the consumer on each beverage container sold in this state  
25 by a dealer for consumption off the premises. Upon return  
26 of the empty beverage container upon which a refund value  
27 has been paid to the dealer or person operating a redemption  
28 center and acceptance of the empty beverage container by the  
29 dealer or person operating a redemption center, the dealer  
30 or person operating a redemption center shall return the  
31 amount of the refund value to the consumer.

32 Sec. 126. Section 455C.3, subsection 2, Code 1981, is  
33 amended to read as follows:

34 2. A distributor shall accept and pick up from a dealer  
35 served by the distributor or a redemption center for a dealer

1 served by the distributor any empty beverage container of  
2 the kind, size and brand sold by the distributor, and shall  
3 pay to the dealer or person operating a redemption center  
4 the refund value of a beverage container and the reimbursement  
5 as provided under section 455C.2. This subsection shall does  
6 not apply to a distributor selling alcoholic liquor or wine  
7 to the Iowa beer and liquor control department.

8 Sec. 127. Section 123.56, Code 1981, is repealed.

9 EXPLANATION

10 This bill would place wines containing more than five but  
11 not more than seventeen percent alcohol by weight under private  
12 distribution and sale somewhat the same as beer is handled  
13 presently. However, under this bill state liquor stores may  
14 continue to sell wine.

15 Wholesalers, and retailers dealing exclusively in wine,  
16 would be required to obtain a separate and distinct wine  
17 permit. A retail liquor licensee who presently has the  
18 privilege of selling wine for on-premise consumption would  
19 not need additional authority.

20 Wine containing more than seventeen percent alcohol by  
21 weight would continue to be subject to the present alcoholic  
22 beverage provisions. Wine containing more than five percent  
23 but less than seventeen percent could be imported, wholesaled,  
24 and retailed through private facilities in addition to the  
25 state's retailing. Importer's and wholesaler's certificates  
26 and permits would be approved and issued by the department.

27 Fees for the issuance of wine permits are of fixed rate  
28 except for the class "C" fee which is based upon sales volume  
29 and the size of the wine sales area of the outlet.

30 The bill also establishes an excise tax of forty cents  
31 per gallon on wine sold for retail sale within this state  
32 which wine was not purchased from or sold by the Iowa beer  
33 and liquor control department. This tax is imposed in place  
34 of the current state revenue from these sales, and is imposed  
35 at the wholesale level.

1 The bill provides for the distribution of the gallonage  
2 tax. Basically, two-thirds of the revenue will be distributed  
3 to the cities and one-third to be distributed to the military  
4 service tax fund, subject to the maximum amounts so distrib-  
5 utable as provided in section 15 of the bill.

6 The bill takes effect July 1 following enactment.

7  
8 **SENATE FILE 297**  
9 **FISCAL NOTE**  
10 **REQUESTED BY SENATOR RODGERS**

11 In compliance with a written request there is hereby submitted a  
12 Fiscal Note for Senate File 297 pursuant to Joint Rule 16.

13 Senate File-297, An Act relating to the private sale, control, distribution,  
14 and taxation of wine containing more than five percent but not more than  
15 seventeen percent alcohol by weight, providing an excise tax on wine,  
16 declaring certain acts relating to wine to be unlawful and prescribing  
17 penalties.

	Est. Amt. Current Law	Est. Amt. S.F. 297	Est. Incr. (Decr.)
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			
32			
33			
34			
35			

26 SOURCE: BEER & LIQUOR CONTROL DEPARTMENT

27 RECEIVED BY THE SECRETARY OF THE SENATE, MARCH 30, 1981

28 FILED:  
29 BY GERRY S. RANKIN, DIRECTOR  
30 LEGISLATIVE FISCAL BUREAU

31 APRIL 1, 1981